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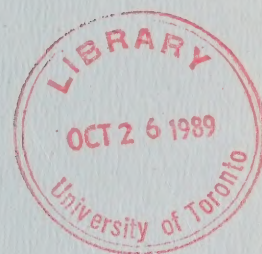
VOLUME: 149

DATE: Wednesday, October 18th, 1989

BEFORE: M.I. Jeffery, Q.C., Chairman

E. MARTEL, Member

A. KOVEN, Member




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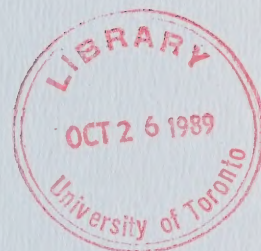
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HEARING ON THE PROPOSAL BY THE MINISTRY OF NATURAL
RESOURCES FOR A CLASS ENVIRONMENTAL ASSESSMENT FOR
TIMBER MANAGEMENT ON CROWN LANDS IN ONTARIO

IN THE MATTER of the Environmental
Assessment Act, R.S.O. 1980, c.140;

- and -

IN THE MATTER of the Class Environmental
Assessment for Timber Management on Crown
Lands in Ontario;

- and -

IN THE MATTER OF a Notice by the
Honourable Jim Bradley, Minister of the
Environment, requiring the Environmental
Assessment Board to hold a hearing with
respect to a Class Environmental
Assessment (No. NR-AA-30) of an
undertaking by the Ministry of Natural
Resources for the activity of timber
management on Crown Lands in Ontario.

Hearing held at the Ramada Prince Arthur
Hotel, 17 North Cumberland St., Thunder
Bay, Ontario, on Wednesday, October 18th,
1989, commencing at 8:30 a.m.

VOLUME 149

BEFORE:

MR. MICHAEL I. JEFFERY, Q.C.	Chairman
MR. ELIE MARTEL	Member
MRS. ANNE KOVEN	Member

A P P E A R A N C E S

MR. V. FREIDIN, Q.C.)	
MS. C. BLASTORAH)	MINISTRY OF NATURAL
MS. K. MURPHY)	RESOURCES
MS. Y. HERSCHER)	
MR. B. CAMPBELL)	
MS. J. SEABORN)	MINISTRY OF ENVIRONMENT
MS. B. HARVIE)	
MR. R. TUER, Q.C.)	ONTARIO FOREST INDUSTRY
MR. R. COSMAN)	ASSOCIATION and ONTARIO
MS. E. CRONK)	LUMBER MANUFACTURERS'
MR. P.R. CASSIDY)	ASSOCIATION
MR. H. TURKSTRA	ENVIRONMENTAL ASSESSMENT
	BOARD
MR. E. HANNA)	ONTARIO FEDERATION OF
DR. T. QUINNEY)	ANGLERS & HUNTERS
MR. D. HUNTER)	NISHNAWBE-ASKI NATION
MS. N. KLEER)	and WINDIGO TRIBAL COUNCIL
MR. J.F. CASTRILLI)	
MS. M. SWENARCHUK)	FORESTS FOR TOMORROW
MR. R. LINDGREN)	
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MR. D. WOOD)	POWER & PAPER COMPANY
MR. D. MacDONALD	ONTARIO FEDERATION OF
	LABOUR
MR. R. COTTON	BOISE CASCADE OF CANADA
	LTD.
MR. Y. GERVAIS)	ONTARIO TRAPPERS
MR. R. BARNES)	ASSOCIATION
MR. R. EDWARDS)	NORTHERN ONTARIO TOURIST
MR. B. McKERCHER)	OUTFITTERS ASSOCIATION

APPEARANCES: (Cont'd)

MR. L. GREENSPOON)	NORTHWATCH
MS. B. LLOYD)	
MR. J.W. ERICKSON, Q.C.)	RED LAKE-EAR FALLS JOINT
MR. B. BABCOCK)	MUNICIPAL COMMITTEE
MR. D. SCOTT)	NORTHWESTERN ONTARIO
MR. J.S. TAYLOR)	ASSOCIATED CHAMBERS OF COMMERCE
MR. J.W. HARBELL)	GREAT LAKES FOREST
MR. S.M. MAKUCH)	
MR. J. EBBS	ONTARIO PROFESSIONAL FORESTERS ASSOCIATION
MR. D. KING	VENTURE TOURISM ASSOCIATION OF ONTARIO
MR. D. COLBORNE)	GRAND COUNCIL TREATY #3
MS. S.V. BAIR-MUIRHEAD)	
MR. R. REILLY	ONTARIO METIS & ABORIGINAL ASSOCIATION
MR. H. GRAHAM	CANADIAN INSTITUTE OF FORESTRY (CENTRAL ONTARIO SECTION)
MR. G.J. KINLIN	DEPARTMENT OF JUSTICE
MR. S.J. STEPINAC	MINISTRY OF NORTHERN DEVELOPMENT & MINES
MR. M. COATES	ONTARIO FORESTRY ASSOCIATION
MR. P. ODORIZZI	BEARDMORE-LAKE NIPIGON WATCHDOG SOCIETY

APPEARANCES: (Cont'd)

MR. R.L. AXFORD	CANADIAN ASSOCIATION OF SINGLE INDUSTRY TOWNS
MR. M.O. EDWARDS	FORT FRANCES CHAMBER OF COMMERCE
MR. P.D. McCUTCHEON	GEORGE NIXON
MR. C. BRUNETTA	NORTHWESTERN ONTARIO TOURISM ASSOCIATION

I N D E X O F P R O C E E D I N G S

<u>Witness:</u>	<u>Page No.</u>
<u>JOHN McNICOL,</u>	
<u>FRANK D. KENNEDY,</u>	
<u>J. JOSEPH CHURCHER,</u>	
<u>RICHARD WILLIAM GROVES,</u>	
<u>HARTLEY MULTAMAKI,</u>	
<u>ALBERT BISSCHOP,</u>	
<u>ROGER W. DAVISON,</u>	
<u>ROBERT THOMAS FLEET, Resumed</u>	25571
Continued Cross-Examination by Mr. Edwards	25571
Cross-Examination by Mr. Hanna	25627

(v)

I N D E X O F E X H I B I T S

<u>Exhibit No.</u>	<u>Description</u>	<u>Page No.</u>
897	OFAH Interrogatory Question No. 15 (Panel 15).	25575
895C	Document entitled: Project Information Summary, signed by Wes Green, dated January 16th, 989.	25623
898	Interrogatory package submitted OFAH (Panel 15).	25647
899	Revised answer to OFAH Interrogatory Question No. 12 dated September 12, 1989 (Panel 15).	25662
900	OFAH Interrogatory Question No. 21 (Panel 15).	25682
901	OFAH Interrogatory Question No. 3 and answer thereto (Panel 15).	25698

1 ---Upon commencing at 9:05 a.m.

2 THE CHAIRMAN: Good morning. Please be
3 seated.

4 Mr. Edwards, are you ready to proceed?

5 MR. EDWARDS: Yes I am, Mr. Chairman.

6 THE CHAIRMAN: Very well.

7 MR. EDWARDS: Mr. Chairman, this morning
8 I intend to commence my cross-examination focusing on
9 the adequacy of information which is required in the
10 timber management planning process and I will be
11 particularly addressing the terms and conditions 8, 18,
12 30 and 53 of those proposed by the proponent, and I
13 intend to ask my questions with specific reference to
14 the Red Lake Plan which is in the materials.

15 JOHN McNICOL,
16 FRANK D. KENNEDY,
17 J. JOSEPH CHURCHER,
18 RICHARD WILLIAM GROVES,
19 HARTLEY MULTAMAKI,
ALBERT BISSCHOP,
ROGER W. DAVISON,
ROBERT THOMAS FLEET, Resumed

20 CONTINUED CROSS-EXAMINATION BY MR. EDWARDS:

21 Q. Mr. Kennedy, sir, do you recall in
22 your examination-in-chief being asked some questions
23 about the Red Lake Plan, in particular I'm referring to
24 your evidence at page 23107 of Volume 136.

25 Sir, you were talking about the

1 explanatory text in the plan that provides linkages
2 back and forth between the various sections of the plan
3 and the tables, and do you recall giving evidence to
4 the following effect, sir:

5 "What we have been missing in some of
6 the..."

7 This is at page 23107:

8 "What we have been missing in some of the
9 previous plans prepared under the old
10 system was text that provided information
11 that had a better description of what
12 those linkages are and, in many ways, a
13 description of the rationale for some
14 of the actions that were being planned.
15 As a result of that concern, we have
16 given direction that the plan should
17 contain some discussion of each of the
18 tables and, where possible, point out
19 the linkages between the various elements
20 of the plan. Again, this is one of the
21 items that we noticed that Mr. Multamaki
22 had done a very good job in his plan and
23 one of the reasons that contributed to
24 the selection of his plan as the
25 example."

1 Do you recall giving evidence to that
2 effect, sir?

3 MR. KENNEDY: A. Yes, I do.

4 Q. Sir, before I ask you more specific
5 questions about the Red Lake Plan, what were the other
6 reasons that contributed to the selection of the plan
7 as the example?

8 A. I believe I have answered a similar
9 question by way of an interrogatory. If I could just
10 have a moment to refer to that answer.

11 Q. Certainly. If you did I don't recall
12 it and I would appreciate it if you could draw that to
13 my attention.

14 MR. HANNA: Mr. Chairman, perhaps I could
15 just expedite things. It is the supplementary
16 interrogatories from the Ontario Federation of Anglers
17 & Hunters and it is question No. 1 where that question
18 was asked, if the witness wants to refer to that.

19 THE CHAIRMAN: Thank you, Mr. Hanna.

20 MR. EDWARDS: Q. Do you have that handy,
21 Mr. Kennedy, or available to you?

22 MR. KENNEDY: A. Yes. Just a moment,
23 please. I believe there is more than one.

24 Yes. The supplementary interrogatory
25 that Mr. Hanna has referred to in fact makes reference

1 to another interrogatory which had been submitted by
2 Ontario Federation of Anglers & Hunters and that is No.
3 15 in the first set of interrogatories submitted by
4 Ontario Federation of Anglers & Hunters, and if I could
5 just read in the Question 15 part (a) it is asked:

6 "Please explain the reasons for choosing
7 the RLCMU TMP as a representative case
8 study to demonstrate how the proposed TMP
9 process will operate?"

10 And we've provided a four-part answer to
11 that.

12 MR. EDWARDS: Perhaps I could just refer
13 to that. Rather than waste time on the record, Mr.
14 Chairman, later when there is a brief break perhaps I
15 can just refer to that and see if it is necessary to
16 put that in.

17 THE CHAIRMAN: Has that interrogatory and
18 the answer been filed?

19 MR. KENNEDY: It has not been filed as an
20 exhibit to the best of my knowledge.

21 MR. EDWARDS: Perhaps we can have that
22 filed as an exhibit at the appropriate time.

23 Q. Mr. Kennedy, having reviewed that
24 answer to the interrogatory today, was there anything
25 further that you meant or further than in your

1 examination-in-chief other than those answers which are
2 given to that interrogatory?

3 A. I don't believe so.

4 Q. Thank you.

5 THE CHAIRMAN: Mr. Edwards, should we
6 file it now? Should we give it an exhibit number now?

7 MR. EDWARDS: Yes, please, Mr. Chairman.

8 THE CHAIRMAN: At least it will be
9 around --

10 MR. EDWARDS: Right, so we don't lose it.

11 THE CHAIRMAN: --questioning in this
12 area. Exhibit 897.

13 MR. EDWARDS: I do not have copies of
14 that, Mr. Chairman.

15 THE CHAIRMAN: No, we realize that. We
16 will just give it the number for now--

17 MR. EDWARDS: Thank you.

18 THE CHAIRMAN: --to be produced later.
19 And that is Question No. 15?

20 MR. KENNEDY: No. 15 from Ontario
21 Federation of Anglers & Hunters from the first set.

22 ---EXHIBIT NO. 897: OFAH Interrogatory Question No. 15
23 (Panel 15).

24 MR. EDWARDS: Q. Mr. Kennedy, I am going
25 to be asking you some questions about those terms and

1 conditions that I had previously listed in reference to
2 Exhibit 814, which is the Red Lake Crown Management
3 Unit Timber Management Plan excerpts.

4 Sir, if you would refer to pages 12 and
5 following of that exhibit, please. This is Exhibit
6 814, Book 1, I believe it is page 12, just a number of
7 tables.

8 Sir, for example, Table 4.2 which is
9 found at page 12 and at 12A, Table 4.3.1 which is found
10 at page 13, 4.3.2, et cetera.

11 Can you confirm, sir, that that type of
12 information would be provided in a standard timber
13 management plan to be prepared under the proposed
14 process?

15 MR. KENNEDY: A. Yes, I can. The report
16 of past forest operations is a requirement of the
17 Timber Management Planning Manual and, as such, a
18 series of tables would be prepared as a part of any
19 timber management plan, as well as we have added a new
20 requirement which is a discussion of the conclusions
21 and recommendations that arise as a result of those
22 tables.

23 Q. Right. And if you turn to pages 105
24 and 111 and 112 of that same document, sir, we have
25 Table 4.16 at page 105, that's the forecast, and pages

1 111 and 112 again are forecasts of the wood utilization
2 by the licensee.

3 MR. FREIDIN: What table was the last
4 one?

5 MR. EDWARDS: Table 4.18.1 is at page
6 111, Mr. Freidin, and that's the forecast of wood
7 utilization by licensee, and I believe it is page 112,
8 is 4.18.2, is the forecast for wood utilization for
9 prime licensee or agreement holder mill.

10 Q. And that information as well would be
11 included in the standard timber management plan?

12 MR. KENNEDY: A. Yes. You singled out a
13 number of individual tables that are part of the
14 collection of the forecasting tables that we had
15 mentioned in the direct evidence.

16 Q. Is the use of the Timber Management
17 Planning Manual specifically included in the terms and
18 conditions, or is this not thought to be necessary?

19 THE CHAIRMAN: Sorry, Mr. Edwards, would
20 you remind repeating your question, this last question?

21 MR. EDWARDS: When I went through the
22 terms and conditions I couldn't see a specific
23 requirement that the TMPM be used, although it is
24 certainly referred to, and I just wanted to get it
25 explicitly from the witness that it is a requirement of

1 their terms and conditions or understood to be, that
2 that's part and parcel of the planning process.

3 Q. I would expect the answer is fairly
4 obvious, but I need a confirmation of that, please.

5 MR. KENNEDY: A. Well, first of all, I'd
6 draw your attention to term and condition No. 30, which
7 I do believe is a very important term and condition in
8 regards to this hearing, which is an indication --
9 that's term and condition No. 30 of Exhibit 700.

10 Q. Right. That's one of the ones I was
11 referring to.

12 A. Which is an indication of the
13 commitment to revise the Timber Management Planning
14 Manual to incorporate any new or change requirements as
15 a result of the hearing process.

16 And as far as the specific direction to
17 use the Timber Management Planning Manual, Mr. Edwards,
18 that is in legislation, in the Crown Timber Act where
19 there is a requirement to use a timber management
20 planning -- or, excuse me, there is a requirement to
21 use a planning manual as designated by the Minister, I
22 believe is the wording.

23 Q. Thank you, sir. Some of the
24 information that is included in these tables, sir, the
25 ones to which I have referred, will be available

1 annually as per term and condition 53; is that correct?

2 A. Not the specific tables you referred
3 to, but there are tables that have a similar format and
4 contain similar information.

5 Q. Right.

6 A. Those are annual report tables which
7 we have mentioned in the evidence in passing, yes. I
8 could refer you to sections of the Timber Management
9 Planning Manual if that would be of assistance.

10 Q. Are these annual updates done now in
11 all cases?

12 A. Yes. Since the introduction of the
13 new manual in 1986 it has been a requirement to
14 complete as many of the tables as is possible. By
15 that, I mean in terms of the information that is
16 available in each individual management unit.

17 Q. I am particularly interested in the
18 tables which are identified as 6.1 to 6.4 of the Timber
19 Management Planning Manual which are found at--

20 A. 145?

21 Q. --page 145 and following of the
22 Timber Management Planning Manual which is Exhibit 7?

23 A. Yes.

24 Q. Were tables such as these completed
25 for the Red Lake Crown Management Unit Plan? Perhaps

1 Mr. Multamaki could assist in that answer.

2 This is not a trick question. When I
3 looked through the plan I didn't see them and now I may
4 not have had sufficient time to go through the plan.

5 MR. MULTAMAKI: A. Yes, those are found
6 in the district, in the Red Lake District. They would
7 not be included in the timber management plan itself
8 and they have been completed since 1986 when this plan
9 took effect. So, in fact, you'd see three years' worth
10 of them there now.

11 Q. All right. So I wasn't mistaken in
12 not locating them, they are not in the Red Lake Crown
13 Management Plan which has been filed?

14 A. The tables that you are referring to,
15 6.1, in fact are annual report tables.

16 Q. Right.

17 A. And, as such, are found in the
18 district files or at the district level. They are not
19 included in the timber management planning--

20 Q. I see.

21 A. --or the timber management plan.

22 Q. Are those annual documents available
23 publicly in the same fashion as the contents of the
24 plan?

25 MR. KENNEDY: A. Yes, they are. Also,

1 Mr. Edwards, I should point out that they form the
2 basis of the report of past forest operations. A
3 summary of the individual annual tables is what is
4 included in each timber management planning -- each
5 timber management plan.

6 Q. All right. So at any time during the
7 five-year period of a timber management plan, a member
8 of the public could go to the appropriate office of the
9 MNR and receive past copies of annual work reports?

10 A. The information is there available
11 for inspection, yes.

12 Q. Yes. Are the companies on the unit -
13 and I'm not talking about a Crown unit obviously in
14 this first case - are the companies on the unit
15 responsible for preparing that information?

16 A. The Crown management unit you are
17 referring to?

18 Q. Well, we will ask the question with
19 respect to both units. If there is any difference,
20 please point it out.

21 A. On Crown management units the
22 responsibility for preparing the annual reports would
23 be with the --

24 THE CHAIRMAN: Excuse me, Mr.
25 Sutterfield, would you mind closing that outside door,

1 please. Thank you.

2 MR. KENNEDY: I was just about to say
3 that the responsibility for preparing annual reports on
4 a Crown management unit would be with the Crown
5 management unit forester, and with the -- on company
6 management units and on an FMA forest, the
7 responsibility would be with the FMA holder and there
8 may be sharing of information necessary back and forth
9 to complete all of the tables.

10 MR. EDWARDS: Q. Tables 5.1 to 5.3,
11 without referring to them specifically, are annual
12 forecasts of activity. Sir, those are not part of the
13 timber management plan itself; are they?

14 MR. KENNEDY: A. No, they are part of
15 the annual work schedule.

16 Q. Right. And are those documents
17 publicly available throughout the year to a member of
18 the public who wishes to have access to them?

19 A. Yes, they certainly are. They are
20 available and notification of that is published in
21 newspapers to that effect.

22 Q. Are they kept only in the district
23 office?

24 A. The annual work schedule?

25 Q. Yes.

1 A. Yes, I believe it is.

2 Q. All right. So they wouldn't be kept
3 at the regional office, district offices do not send
4 annual work schedules to the region as well?

5 A. No, copies of the annual work
6 schedule are available at the district office. The
7 copies of the annual reports that you referred to
8 earlier are sent through the regional offices.

9 Q. If you look at page 100 of Exhibit
10 814, that's the forecast of depletion by area for the
11 spruce working group. Now, sir, this is a table
12 which - and I will address this to either Mr. Multamaki
13 or Mr. Kennedy - this is a table which would be part of
14 the timber management plan?

15 A. Yes, the generic table, a forecast of
16 depletion by area for each individual working group or
17 forest unit.

18 Q. Right. And if one wanted to get an
19 annual update or an update - I notice this one runs
20 from April 1, '86 to March 31st, '91 - if we wish to
21 get the annual update as to what's actually happened in
22 terms of depletion on the management unit, one would
23 have to refer to the annual reports which would be
24 available in the district office?

25 A. If you are asking on an individual

1 management unit basis, yes, that would be the case.
2 You would need to have a look at the annual reports,
3 specifically in this case Table 6.1, in order to have
4 an understanding of the current status of the depletion
5 on the management unit, including the natural
6 depletions that have occurred during the past year.

7 Q. And similarly, the forecast of wood
8 utilization by licensee at page 111 where the consumers
9 by licensee are set out, if one wanted to know how the
10 prediction meshed with the reality two and a half years
11 into a plan, one would again attend at the district
12 office?

13 A. Yes, although now you are looking at
14 the information that is available in reports and the
15 reports are available in other than the district
16 office.

17 Q. Where are these types of reports, the
18 wood utilization reports available, sir?

19 A. The complete set of annual reports,
20 it's possible to make arrangements to view those both
21 at the regional office and at the main office of Forest
22 Resources Group, in addition to being available at the
23 district office.

24 Q. That's in Sault Ste. Marie?

25 A. The main office of the Forest

1 Resources Group is in Sault Ste. Marie, yes. I might
2 add again that the summary of that information is
3 contained in timber management plan upon the completion
4 of the five-year term.

5 Q. Just with respect to the table at the
6 following page, page 112, the forecast of wood
7 utilization for prime licensee or agreement holder
8 mills, Mr. Multamaki, specifically with respect to the
9 Red Lake Crown Management Unit who is the prime
10 licensee or who is the agreement holder mill?

11 MR. MULTAMAKI: A. As you will notice,
12 there are a number of mills that rely on the Red Lake
13 Crown Management Unit for at least a portion of their
14 timber requirements. They are listed under A.

15 There is Devlin Timber Co. Ltd., in fact
16 that's the Tri-Lake Lumber saw mill in Kenora; Skookum
17 Bay Logging Ltd., which is the saw mill in downtown Red
18 Lake; Buchanan Forest Products, which is in fact the
19 McKenzie Forest Products saw mill in Sioux Lookout; and
20 there are three portable saw mills which deliver a
21 variety of products, the majority of which go to the
22 local mines for mining timbers.

23 MR. FLEET: A. Mr. Edwards, with respect
24 to this particular table and the requirement to
25 complete this detailed forecast on a Crown management

1 unit, this is one of the few tables in the Timber
2 Management Planning Manual that is optional for Crown
3 units, and the instructions on the back of the table on
4 page 92 of the Timber Management Planning Manual
5 indicate: Complete this table for company management
6 units and FMA forests, because of the often encountered
7 situation where there is indeed no prime licensee or
8 agreement holder on a Crown management unit. Many
9 Crown management units have several small operators, as
10 Mr. Multamaki explained.

11 Q. And, in that case, there would not
12 be -- that table would not be prepared?

13 A. It is not a mandatory requirement.
14 It becomes very complex on some Crown management units
15 which may have upwards of 50 separate DCLers with wood
16 going in a variety of locations to identify a prime
17 licensee or a prime utilizer.

18 Q. These are DCLs you are talking about,
19 50 separate...

20 A. That might be an exaggeration, but
21 numerous DCLs are possible on some of our Crown
22 management units, yes.

23 THE CHAIRMAN: That's a district cutting
24 licence?

25 MR. FLEET: District cutting licence.

1 MR. EDWARDS: Q. Those are the licences
2 which involve less than \$10,000 in value and less than
3 160 acres, I believe?

4 MR. FLEET: A. Yes, yes, that's correct.
5 And perhaps as an example I would come to the Timmins
6 Crown Management Unit as well where we have no prime
7 licensee or agreement holder mill and our wood from
8 that particular unit goes to a variety of locations,
9 including the Province of Quebec.

10 Q. All right. Is there a size at which
11 you cut off, with respect to this table is there a size
12 of licensee that you say: Above this amount we require
13 that this table be completed, and below this amount we
14 do not require the completion of this table?

15 A. I don't know of any formal size
16 requirement. In this particular case, where there are
17 four, if you will, mills or licensees, that's --
18 perhaps Mr. Multamaki thought that was a reasonable
19 number to include. I would suggest that when you get
20 into much more than four, the table and the purpose of
21 the table become less useful.

22 Q. Now, going from this table, 4.18.2,
23 can one from any source confirm what, in fact, happened
24 after this forecast and wood utilization for the prime
25 licensee or agreement holder mill; is that updated on

1 an annual basis? Mr. Multamaki?

2 MR. MULTAMAKI: A. If I can just have a
3 second to locate the table for the annual report. Yes,
4 if you look at page 149, Table 6.3, in fact, would show
5 that on an annual basis.

6 Q. All right. And that report, the
7 annual report of wood utilization, would again be
8 available in the district offices?

9 A. Yes, the annual report, in fact, is
10 available at the district office, the regional office
11 and main office.

12 One other point I would like to make is
13 that the average person looking at these reports
14 doesn't have to wade through essentially three, four or
15 five years' worth of reports to gain the pertinent
16 information about where the unit stands.

17 In each of these tables you will notice
18 that there is current and to date column, or a row in
19 this case with respect to 6.3. That, in fact, keeps a
20 running total of what is taking place and with respect
21 to the Red Lake Crown you would see it -- the total to
22 date, the total current for that year, the amount to
23 date and the balance that's left.

24 So, in fact, you have a mathematical
25 subtraction or whatever of what's available in the

1 five-year management plan and what has taken place
2 during the previous one, two, three, four and fifth
3 year of that management plan.

4 Q. So just if you are -- are you, sir,
5 from memory able to update us as to what has taken
6 place on the management unit, the Red Lake Crown
7 Management Unit with respect to the volume used by, for
8 example, Devlin or Skookum Bay or Buchanan or the saw
9 mills? Do you know that information?

10 A. Off the cuff I'm not aware of where
11 they stand right now.

12 Q. But that information would be
13 available by going to the reports?

14 A. Yes, certainly. In fact, if I'm not
15 mistaken, the report that you are specifically talking
16 about, the wood utilization report, comes out in the
17 fall of each year.

18 Q. I see. Thank you.

19 A. In fact, we would be I think into the
20 third year of this management plan and there would be
21 three years' worth of information available.

22 MR. EDWARDS: Mr. Chairman, I think that
23 actually clears up some matters and I am going to move
24 on to another term and condition.

25 It wasn't perhaps as clear to me as it

1 should have been, what had to be in there, but I think
2 I can move on to another term and condition, one which
3 is not particularly referred to in the Ministry's case,
4 but is one that is a matter of some significance to my
5 client, that is the issue of the regulator becoming the
6 regulated; that is to say, a term and condition which
7 would address itself to the issue of what is perceived
8 to be a problem of industry and Ministry personnel
9 moving back and forth.

10 I don't have a specific term and
11 condition to put to you at this time, but it is one
12 that we hope to address and be able to submit to you
13 before the end of January.

14 MR. KENNEDY: Excuse me, when you
15 mentioned back and forth, could you be a little more
16 clear just so we have an understanding?

17 MR. EDWARDS: Q. All right.

18 Mr. Multamaki, sir, you have spoken
19 throughout this in the first person on behalf of the
20 Ministry of Natural Resources, but I see from your
21 curriculum vitae that you are, in fact, an employee of
22 Buchanan Forest Products?

23 MR. MULTAMAKI: A. That's correct.

24 Q. And you have been so employed since
25 May of 1988?

1 A. Yes, that's correct.

2 Q. And indeed I see that Buchanan Forest
3 Products is one of the companies referred to in the
4 charts that we have had some occasion to look at
5 recently as one of the licensees on the Red Lake Crown
6 Management Unit?

7 A. Yes, we have a small licence on the
8 Red Lake Crown Management Unit.

9 Q. Now, sir, I had occasion to refer to
10 the industry material that was recently filed, the
11 witness statements, and I noticed from the industry's
12 witness statement that Buchanan Forest Products only
13 has two employees. And since you are the forester, I
14 was impressed by the activity of the other employee who
15 seems to be able to remove 44,640 net cubic metres in
16 five years.

17 Now, is that in fact the case?

18 A. I think you've lost me. Where did
19 you come up with the two employees?

20 Q. That's what is in the industry's
21 witness statement. I don't have it right here before
22 me, but is two employees the correct number?

23 A. I wouldn't imagine so. We do have
24 more than two employees.

25 Q. Is there any policy or direction or

1 guidance, sir, which you received when considering a
2 movement to the private sector, because you have gone
3 from the Red Lake Crown Management Unit drafter of the
4 plan to obviously an employment position with one of
5 the regulated corporations?

6 A. As I understand your questions, it
7 is: Did I receive a policy or direction from the
8 Ministry for my move to industry?

9 Q. Yes.

10 A. I would say no, I made that choice
11 all on my own.

12 Q. Did you receive any -- was there a
13 policy with respect to your --

14 THE CHAIRMAN: Is that allowed, Mr.
15 Multamaki? Can you operate on your own without the
16 Ministry's okay?

17 MR. MULTAMAKI: I'm certainly not aware
18 of any policy or procedure about employment with
19 respect to moving to industry.

20 MR. EDWARDS: Q. I see. So there is
21 no -- there is, as far as you are aware, no limit or
22 cap or regulation of any description which would
23 regulate that type of thing; that is to say, the
24 movement from being the regulator to being the party
25 directly regulated?

1 THE CHAIRMAN: There appears to be, Mr.
2 Edwards, no sanitizing procedures--

3 MR. EDWARDS: None yet.

4 THE CHAIRMAN: --in this industry as are
5 found, for instance, perhaps in the legal profession
6 between lawyers moving from practice to the bench, et
7 cetera, and things like that.

8 MR. FREIDIN: Mr. Chairman, I can advise
9 you that in my move from the Attorney General's Office
10 to my present position I didn't have to check with
11 anybody.

12 MR. MULTAMAKI: I would also like to
13 point out that as a professional forester and an RPF,
14 there is a body that is outside of both the Ministry
15 and the company and I feel it important to bring that
16 up, that in fact as an RPF there are some - how would
17 you put it - I guess ethics and morals that go along
18 with being a professional forester.

19 MR. EDWARDS: Q. This is the code of
20 conduct for professional foresters?

21 MR. MULTAMAKI: A. That's right.

22 MR. KENNEDY: A. As well, Mr. Edwards, I
23 might point out that when individuals become members of
24 the Crown employ there is also an oath which is
25 undertaken, which I don't recall the specific name of

1 the oath at the moment, but it does regard both the
2 secrecy in regard to the information which employees
3 are privileged to as part of a Crown organization.

4 MR. CHURCHER: A. And, in addition, the
5 Ministry of Natural Resources has its own standard of
6 conflict of interest which is a rather lengthy document
7 that stipulates precisely what an employee of the
8 Ministry can and cannot do.

9 Q. That's exactly what I was asking
10 about. Is there a document which reflects the conflict
11 of interest policy?

12 A. Yes, there is, and it talks about the
13 specific case of when somebody decides to leave the
14 Ministry and seek employment in a private company.

15 MR. EDWARDS: Mr. Chairman, I would ask
16 Mr. Freidin if he is prepared to produce that.

17 MR. FREIDIN: If the Board thinks that it
18 is relevant and would be helpful, I suppose I will.
19 I'm not sure what --

20 THE CHAIRMAN: Well, Mr. Edwards I think
21 has raised a legitimate concern and if there is a
22 document setting out some of these conflict of interest
23 type provisions, I think it should be produced.

24 MR. FREIDIN: Fine.

25 MR. EDWARDS: Mr. Freidin, do you have

1 any idea when that might be available? I am just
2 thinking if I have any further questions arising out of
3 the document.

4 MR. FREIDIN: I will see whether we can
5 make an inquiry and get it this afternoon.

6 MR. EDWARDS: Thank you. I will try to
7 move on, Mr. Chairman, and perhaps subject to that I
8 will be able to conclude my examination easily this
9 morning.

10 Q. Sir, in the employment of your
11 present company, how many of the foresters have not
12 previously worked for the district in which they now
13 regulate?

14 MR. MULTAMAKI: A. I would have to --
15 I'm not completely familiar with that. I can think of
16 two or three of the eight or ten that are either
17 employed or associated with the employment of our
18 company that have worked in districts or are associated
19 with work in districts that they were previously
20 employed in.

21 Q. And your company has eight to ten
22 foresters?

23 A. Either directly employed or
24 associated with them, in that neighbourhood. I haven't
25 spent the time counting them up, but there are a

1 number, yes.

2 Q. Sir, just with respect to the timber
3 management plans that you personally have been involved
4 in, I understand that at your page 34 of your
5 curriculum vitae you indicate that you are involved in
6 four timber management plans. Which ones are they?
7 That's at page 34 of the witness statement, being
8 Exhibit 813A.

9 A. Yes. At the time that this
10 witness -- or the curriculum vitae was prepared, I was
11 involved in four management planning exercises or had
12 been involved in, the Red Lake Crown, the Lac Seul, the
13 Domtar/Armstrong and the Sapawe and, in fact, I am an
14 alternate now on the Dog River MAD one as well.

15 Q. All right. So the Domtar/Armstrong
16 unit, I understand in fact you are the author of that
17 plan?

18 A. No, I'm not. The licence is
19 presently held by Domtar Forest Products, and the
20 author of that plan is, in fact, a forester from Domtar
21 Forest Products.

22 Q. The draft plan which was just
23 presented at a public information session last night,
24 you are in fact the author of that?

25 A. Which plan is that you are talking

1 about that was presented last night?

2 Q. The draft timber management plan for
3 the Domtar -- I believe it is the Domtar/Armstrong
4 Crown Management Unit?

5 A. Yes, we are still talking about the
6 same plan. No, I am not the author, I have not signed
7 that plan as the author or stamped it with my seal.

8 Q. All right. Did you originally have
9 the responsibility of writing the plan?

10 A. I had the responsibility for
11 preparing sections of that plan under the plan author's
12 supervision.

13 MR. EDWARDS: If I could just have a
14 moment, please, Mr. Chairman.

15 MR. MULTAMAKI: Perhaps I can clarify
16 that. That was not an information centre or a public
17 meeting, as I understand it, that was held with respect
18 to that plan last night; to the best of my knowledge,
19 that was a meeting between interest groups and the
20 Ministry and the companies to review the draft plan.

21 That plan is presently in the public
22 review, 30-day public review period after submission of
23 the draft plan and the list of alterations have been
24 prepared.

25 I think that's what you are referring to;

1 is it not?

2 MR. EDWARDS: If I could just have a
3 moment, please, sir. Mr. Chairman, I apologize for
4 this, I just received these documents last night.

5 THE CHAIRMAN: Take your time.

6 MR. EDWARDS: Q. Sir, with respect to
7 the timber management plan for the Domtar/Armstrong
8 Management Unit, 1990-2010, do you and Mr. Booth have
9 the responsibility for overall preparation of the TMP
10 as required in the Timber Management Planning Manual
11 within the schedule set by the planning team?

12 MR. MULTAMAKI: A. Could I ask which
13 document you are referring to?

14 Q. It is a document called The Terms of
15 Reference for the Timber Management Plan for the
16 Domtar/Armstrong Management Unit, 1990-2010, referring
17 to page 4 of that document.

18 I will produce and show it to you. I
19 apologize that this is the only copy I have since I
20 just received it late last week.

21 A. No, that's fine. Yes, what you are
22 looking at is the responsibility for preparation of the
23 timber management plan, not authorship.

24 Q. But you are the person -- you are one
25 of the two people who has the responsibility for the

1 overall preparation of the timber management plan?

2 A. Yes, that's correct. The way the
3 situation worked with the Domtar/Armstrong plan was
4 that myself and Rob Booth were the two foresters that
5 put together a lot of the, I guess, information and the
6 preparation end of the management plan itself,
7 recognizing that there were a number of other
8 individuals, particularly the planning team, involved
9 in the preparation of that plan and, in fact, they were
10 our superiors as well, providing direction, guidance
11 and so on.

12 Q. And you did that in your capacity as
13 a forester in the employ of whom, sir?

14 A. As a forester in the employ of
15 Buchanan Forest Products.

16 Q. Now, sir, I notice that the terms of
17 reference and indeed the proposed plan include a joint
18 management venture between Domtar and a company called
19 Great West Timber Ltd. How did you come to occupy the
20 role in your capacity as an employee of Buchanan?

21 A. Great West Timber is a subsidiary of
22 Buchanan Forest Products. It is one of our saw milling
23 companies.

24 Q. Oh, I see. Thank you. Now, with
25 respect to the Lac Seul Plan, I understand that that

1 plan involves a company called McKenzie Forest
2 Products, it is also a subsidiary of Buchanan?

3 A. That's correct.

4 Q. And the fourth plan that you
5 mentioned is the...?

6 A. The Sapawe Crown Management Unit. I
7 am on the planning team for that plan.

8 Q. All right. And who is the licensee
9 in that case?

10 A. It is a Crown management unit. The
11 prime licensee would be Atikokan Forest Products. In
12 fact, the wood from the Sapawe Management Unit goes to
13 Atikokan Forest Products.

14 Q. All right. And is that in fact --
15 the wood from that management unit goes to the Atikokan
16 mill?

17 A. That's correct. The saw log content
18 from the unit goes to the Atikokan mill and, of course,
19 the pulp products go to both Boise Cascade, Great Lakes
20 Forest Products and so on, mostly Boise Cascade.

21 Q. Thank you.

22 MR. EDWARDS: Sir, this discussion takes
23 me directly to another term and condition which my
24 client will seek to have the Board deal with, and that
25 is the identity of the actual operator; that is to say,

1 the company that's actually cutting the wood and
2 conducting the operations in the woodlands be
3 identified.

4 We will have a more specific term and
5 condition drafted, of course, Mr. Chairman, at the
6 appropriate time, but I wish to ask some questions with
7 respect to this particular issue.

8 Q. Mr. Multamaki, I understand that one
9 can have a forest management unit holder -- agreement
10 holder who will then subcontract to an Order-in-Council
11 licensee. Does that happen?

12 MR. MULTAMAKI: A. As I understand your
13 question, you are asking if an FMA holder can
14 subcontract to an Order-in-Council licensee, is that
15 your...?

16 Q. Yes, the actual cutting or other
17 timber management operations will not be performed by
18 the holder of the licence?

19 A. I would like to point out that the
20 holder of the licence is responsible for those
21 operations, but it's possible to have any number of
22 combinations of companies or individuals doing the
23 actual physical work on the FMA.

24 Q. Right. And there can be contractors
25 and then subcontractors?

1 A. Yes, there can be any number or
2 combination of contractors or subcontractors. Of
3 course, these are subject to things like union
4 agreements and so on.

5 MR. FREIDIN: I'm just wondering, Mr.
6 Edwards, I don't recall, I don't have at my fingertips
7 the answer, but I know you raised this question about
8 licensees on FMA areas back in Panel 1, perhaps 2 again
9 and then perhaps again in 4.

10 Is there not an undertaking -- were you
11 supplied with information on this subject matter?

12 MR. EDWARDS: There was a specific
13 question, Mr. Chairman, as I recall. I provided
14 specific licence numbers and invited the MNR to advise
15 me who the operator was on the particular licence and I
16 received an answer which I am not pursuing any further,
17 but I believe that I have some obligation to pursue
18 this question for a few more minutes.

19 Q. Sir, with respect to your particular
20 company, is it true that you are also -- its company is
21 also the parent company to Caribou Lake Forest
22 Products, Wawang Timber Company, Hemlo Forest Products,
23 Wolverine Forest Products Limited, Wolf River Forest
24 Products, Pennock Mechanical Aggassiz Transport, Atway
25 Transport, Glen Suken Management, Pic River Forest

1 Products and 686860 Ontario Limited, and also with
2 respect to the Dubreuilville mill which was recently
3 purchased?

4 MR. MULTAMAKI: A. I think you have
5 missed Central News, but somebody has done their
6 homework.

7 Q. Well, is it also true that recently
8 200 numbered companies were incorporated by the parent
9 company? Are you aware of that, sir?

10 A. I'm not aware of that at all.

11 Q. All right. And really with respect
12 to your operations, any one of those companies could
13 from time to time actually conduct the operations, not
14 necessarily all at one time?

15 A. I'm not sure how to answer that in
16 that you're getting into the internal workings of an
17 individual private corporation and there are a number
18 of possibilities on how that -- our company could be
19 set up or what the possible outcomes of that set up may
20 be.

21 For example, I'm obviously not aware of
22 all of the companies that we own and whether or not, in
23 fact, they are even in the wood cutting business.
24 You've named that there is 200 numbered number
25 companies. I am unaware of that, and I have no idea

1 what they are into it. Whether they could, in fact, be
2 in the timber management business or not, I'm not sure.

3 THE CHAIRMAN: Mr. Multamaki, is it left
4 up to the licence holder, the FMA holder to, for
5 example in this case Buchanan, to parcel out whatever
6 activities they wish carried out on their management
7 unit to whomever they wish to carry them out in terms
8 of another operator or independent cutter or whatever
9 without the Ministry having, for example, a veto power?

10 In other words, the Ministry holds
11 Buchanan responsible for the activities on the unit,
12 but does the Ministry's supervision of who actually
13 carries out the work stop there, or can the Ministry
14 when, for instance, the FMA holder decides to use a
15 particular operator, say: No, you can't use that
16 operator because for whatever reason we don't want that
17 operator carrying out activities on this unit?

18 Where does the supervision of the
19 Ministry begin and end?

20 MR. MULTAMAKI: The Ministry's
21 supervision or responsibility ends at the point where
22 they hold the company or the licensee responsible for
23 the work carried out in an FMA situation, that the
24 work, in fact, has been carried out as stipulated under
25 the ground rules.

1 They do not have -- the Ministry does not
2 have the hiring and firing power within the companies;
3 for example, they could not come to us and say: I want
4 you to hire my brother-in-law. That seems to me to be
5 unreasonable to be able to go to a company and tell
6 them that they can do one or the other.

7 In fact, the operator or contractor that
8 would work for a private company is the company's
9 decision; however, his work and the quality of his work
10 would be the responsibility of the company and the
11 Ministry would hold the company responsible for that.

12 THE CHAIRMAN: But that's precisely the
13 point of my question, that if the quality of the work
14 of a particular independent operator through a track
15 record on that unit or other units had not been
16 evidenced by quality which was acceptable,
17 notwithstanding that the FMA holder is ultimately
18 responsible, why should the Ministry not be able to
19 say: We don't wish that operator to operate on this
20 unit because we have had difficulties in the past?

21 MR. MULTAMAKI: I guess my response to
22 that is that it's an unlikely situation. For example,
23 as an individual -- as a management forester
24 essentially with a private company, it is not in my
25 best interest to hire a problem that's going to be a

1 problem for the Ministry of Natural Resources.

2 Therefore, I would avoid that or take that into account
3 when developing a program of that nature and, like I
4 said, it's unlikely that that would occur.

5 If he is that much of a problem or the
6 contractor or the individual is that much of a problem
7 I don't think that the companies would bring him into
8 that situation. So I don't see it occurring.

9 MRS. KOVEN: How could the Ministry
10 communicate such a directive as that anyway? They
11 would have to put it in as a requirement on an annual
12 licence or something. You couldn't name an individual
13 or a contractor, I don't know, for some kind of
14 incompetence.

15 I mean, how would you go about -- I can't
16 see handling a specific situation.

17 THE CHAIRMAN: Well, presumably the
18 Ministry could have the ultimate approval mechanism of
19 any work being carried out on a management unit instead
20 of delegating that authority to the company who then
21 goes out and does the hiring, if the Ministry itself in
22 reviewing the plan in the annual work schedule was also
23 the one that approved who did the work.

24 MR. EDWARDS: Mr. Chairman and Ms. Koven,
25 I have concluded my examination in this area, but the

1 term and condition which I am specifically addressing
2 myself to is the one that I think Ms. Koven has raised,
3 not so much designing in advance and telling an
4 industry as to who to hire, but rather having some
5 record of who, in fact, was hired in the past.

6 The reason -- and this relates very
7 directly to a term and condition which we've discussed
8 before on behalf of my client, Mr. Chairman, that's the
9 issue of compensation for wrongdoing.

10 We understand that the Ministry has
11 little -- has no formal mechanism about compensating
12 affected other parties in the woodlands, there is no
13 mechanism as yet set up - and we may have some further
14 comment about that - but identifying and knowing who
15 the actual actor was does provide, under law, perhaps
16 other obligations to other affected parties.

17 Mr. Multamaki and Mr. Kennedy are correct
18 in saying that the third party and Order-in-Council
19 licensees have their obligations to the Crown which
20 flow up through the prime licensee, but there may be
21 obligations under law to other parties which are not so
22 protected, and it is those particular obligations that
23 I am addressing myself to, particularly if the system
24 which is in place inadvertently sets up unnecessary or
25 prohibitive barriers as to finding out who was doing

1 what where. And it will be a term and condition
2 suggested on behalf of my client that some particular
3 information addressing itself to this ought to be
4 required.

5 And I think I am prepared to move on to
6 my final area of cross-examination.

7 Does that address your concern, Ms. Koven
8 as to --

9 MR. COSMAN: Mr. Chairman, because there
10 has been a certain amount of submission apart from
11 questioning of witnesses - we won't be addressing you
12 on this now - there is a question of the jurisdiction
13 of this Board in setting up compensatory schemes as
14 separate and apart from your responsibilities under the
15 Environmental Assessment Act. In due course I will
16 address you on that.

17 THE CHAIRMAN: Well, without discussing
18 it right now, Mr. Cosman, I don't know whether the
19 Board would be considering setting up a compensatory
20 scheme in any event.

21 But, as I understood Mr. Edwards'
22 questions, this relates to the amount of information
23 available so that any aggrieved person could utilize
24 any legal avenues, so to speak, apart from any
25 management process approved by this Board.

1 MR. COSMAN: I think that is right, Mr.
2 Chairman. But even in that, he is asking the Board to
3 assist in a process that's completely separate and
4 apart from the process that is before you for
5 consideration.

6 There may be some merit or there may not
7 be merit in what he is suggesting, but I submit to you
8 it is not your job or responsibility, which is large
9 enough, to get into the whole issue about who is
10 responsible for setting up a mechanism for
11 responsibility with respect to injuries that may occur
12 with third parties.

13 THE CHAIRMAN: Well, that may be a
14 distinct question from providing the public with
15 adequate information to do with as they wish, whether
16 it is part of a compensatory scheme or not.

17 MR. FREIDIN: I think that is a matter
18 which I would agree might very well be subject matter
19 of some discussion at some later point.

20 MR. EDWARDS: Yes.

21 THE CHAIRMAN: Very well.

22 MR. EDWARDS: Thank you. Mr. Chairman, I
23 intend, subject to any questions which may arise out of
24 the production of the conflict of interest document, to
25 move on to my final area of cross-examination which

1 relates to the issue of expenditures on roads and
2 particularly with reference to the Red Lake Crown
3 Management Unit.

4 Q. I notice, Mr. Bisschop, at a
5 particular page in the transcript which I believe is
6 23245 --

7 MR. FREIDIN: Can we have the volume?

8 MR. EDWARDS: I will get the volume for
9 you in a moment, please. I believe that's Volume 137.

10 Q. Mr. Bisschop, I am just quoting what
11 I believe was a portion of a lengthy answer which you
12 gave, sir, at page 23245 in Volume 137.

13 Do you recall testifying generally, sir,
14 to -- or testifying to the following effect:

15 "I've mentioned that road construction is
16 an expensive matter, especially when it
17 comes to the primary road system, and the
18 Crown and the forest industry obviously
19 have a major financial interest in the
20 decisions that are being made about
21 primary roads. We want to make sure that
22 the expenditures on those roads are
23 justifiable."

24 Do you recall making a statement to that
25 effect, sir?

1 MR. BISSCHOP: A. Yes, I do.

2 Q. And, Mr. Multamaki, with respect to
3 that statement I just attributed to Mr. Bisschop, would
4 you agree with him on that point?

5 MR. MULTAMAKI: A. Yes, I would.

6 Q. And at page 473 of the statement of
7 evidence for Panel 15, Exhibit 813A, sir, there is a
8 reference to a major amendment, it is on the Minaki
9 Unit, it just raised an issue which I thought was quite
10 relevant to this discussion of the financing of roads.

11 If I might just read the appropriate
12 paragraph into the record, it is the third paragraph on
13 page 473:

14 "An example of a major amendment to the
15 timber management plan for the Minaki
16 Crown Management Unit is attached
17 (Reference 4). That amendment involves a
18 large new area of operations which
19 had to be identified as a result of the
20 unavailability of funds for the
21 construction of a proposed access road in
22 another part of the management unit.
23 That road was proposed to provide access
24 to stands which had been allocated in the
25 improved timber management plan."

1 Sir, were you responsible for the
2 Minaki -- just this example being included in the
3 document, or which member of the panel was so
4 responsible?

5 MR. FLEET: A. I am responsible, Mr.
6 Edwards.

7 Q. Yes, sir. The unavailability of
8 funds, are you familiar enough with this example to
9 testify about how that unavailability came about?

10 A. Vaguely, and I will attempt to answer
11 your questions.

12 Q. Unavailable from what source?

13 A. Unavailable from the Crown.

14 Q. I see. And was that a funding
15 problem on an annual basis or was it a more generalized
16 problem in this particular case?

17 A. I would suggest that it was -- in
18 this particular case, it was an annual setting of
19 priorities with some limited funds and this particular
20 project was not one of the priorities high enough to be
21 funded.

22 Q. Sir, in terms of assessing the cost
23 and benefits of the construction of a road, do you take
24 into account solely the availability of Crown funds or
25 do you take into account the cost to the industry?

1 A. In this particular case now, I'm not
2 100 per cent certain of all that was taken into
3 account.

4 I would suggest, with respect to cost to
5 the industry, there was a recognition that not funding
6 that road and not having timber available would have
7 been a cost to the industry and that would have been
8 one of the key reasons for the major amendment, to
9 provide operating area to the companies so that there
10 would not be a cost, a large cost.

11 Q. Mr. Multamaki, with respect to the
12 Red Lake Crown Management Unit, are you, from your
13 sources of information, able to tell how much the
14 industry spent on an annual basis?

15 MR. MULTAMAKI: A. No, I don't have any
16 hard numbers with respect to how much is being spent on
17 roads; however, there are on the Red Lake Crown a
18 number of secondary and tertiary roads that are being
19 constructed entirely at the cost of industry; i.e., the
20 private licensees. So there is a certain amount of
21 cost but, you know, other than an estimate or a guess,
22 I couldn't provide you with hard numbers.

23 Q. Does your company keep records of
24 that type of expenditure?

25 A. Our company?

1 Q. Yes.

2 A. Yes, we do keep records of road
3 costs, at least I would expect our accountants do.

4 Q. Are you in any fashion obligated to
5 produce them to the Ministry of Natural Resources?

6 A. I think what you are talking about is
7 private company information and, no, we are not
8 obligated to divulge private information.

9 Q. Do you see, sir, any problem with
10 divulging that information in terms of affecting your
11 competitive position in the market?

12 MR. FREIDIN: Surely.

13 MR. MULTAMAKI: Very much so. Quite
14 frankly, I am absolutely certain that should we divulge
15 information like that we would be less competitive with
16 other companies because of the obvious connection to
17 costs and selling price and so on.

18 MR. EDWARDS: Q. The divulging of the
19 information, sir, are you suggesting that that would
20 affect the cost?

21 MR. MULTAMAKI: A. I'm saying that it
22 would certainly indicate a number of things,
23 particularly to our competitors; what our costs or a
24 portion of what our wood costs are, a portion of our --
25 or what level of resale we could afford and so on.

1 Q. Are you suggesting that the costs of
2 sale, the dollars per cord are an industry secret?

3 A. Let me put it this way. A comparison
4 I can make is that: As a lawyer, would you tell a
5 competing lawyer exactly what you are prepared to work
6 for on any given case? That's really what you are
7 asking me to do.

8 Q. Well, I can certainly tell you what I
9 am getting paid on this case.

10 A. You are also not in competition at
11 this point in time; are you? You have already secured
12 the contract from the looks of things.

13 Q. It is very simple to locate the legal
14 aid tariff.

15 Anyway, sir, can I take it you object to
16 the production of that information in your capa --

17 MR. FREIDIN: Mr. Chairman -- go ahead.

18 MR. COSMAN: Mr. Chairman, certainly I
19 would object. Buchanan is a member company of my
20 association and that is private and confidential
21 information for the reasons given, and we would object
22 to its disclosure.

23 MR. EDWARDS: Fine. Thank you, sir, for
24 clearing that up.

25 Q. Mr. Kennedy, I just have one further

1 question relating to pages 473 and -- actually 505.
2 Perhaps you -- I don't know if you would be the
3 appropriate person to deal with this, possibly Mr.
4 Fleet would be.

5 The reason given at page 473 in the text;
6 that is to say, the amendment was identified as a
7 result of the unavailability of funds for the
8 construction of a proposed access road.

9 Mr. Fleet, are you the author of that,
10 sir?

11 MR. FLEET: A. I would suggest that
12 there was some joint authorship but that I am the one
13 you should ask the questions of, yes.

14 Q. Okay. I am interested in the letter
15 of Mr. Pyzer, the district manager of Kenora District,
16 which sets out the public -- what I assume is a public
17 notice at 505. Is that in fact what Mr. Pyzer's letter
18 is?

19 A. I believe so, yes. That would be the
20 direct letter sent to the people on the mailing list on
21 the major amendment.

22 Q. Yes, and if you could refer to the
23 last sentence there:

24 "This proposed amendment..."

25 Sorry, the last sentence in paragraph --

1 the second paragraph on 505.

2 "This proposed amendment is a result
3 of changing road construction priorities
4 that have delayed access to other
5 approved timber harvest allocations."

6 Now, do those sentences mean the same
7 thing; the unavailability of funds and the changing
8 road construction priorities; are those -- can I
9 interpret those as meaning the same thing?

10 A. My interpretation is they are pretty
11 darned close, yes.

12 Q. I see. Thank you for clearing that
13 up.

14 Q. Sorry, just one final question on the
15 area of road construction expenditures for you, Mr.
16 Multamaki, referring to Exhibit 813B, Document 5 at
17 page 555. Sir, the sentence under the paragraph
18 titled: Access Plan, the second paragraph reads as
19 follows:

20 "All of the secondary roads in this
21 Annual Work Schedule will be constructed
22 by the local timber operators at their
23 own expense. There are no government
24 sponsored road construction programs
25 being planned for the 1988-1989 season."

1 And I assume that would refer to the
2 season from April 1st of '88 to March 31st of '89.

3 MR. MULTAMAKI: A. That's correct.

4 Q. And this was conducted by operators
5 at their own expense. Who, if anybody, knows how much
6 the operators spent; would it be only the operators?

7 A. Once again, that would be private
8 company information for each operator, and it is my
9 expectation that the actual construction costs would
10 vary according to the operator, according to the type
11 of road built, the distance built, the situation that
12 the operator is in with respect to what equipment he
13 owns, what equipment he has to contract for, what
14 equipment he has to purchase.

15 There are a variety of factors that could
16 influence the actual hard dollars that an operator is
17 spending on an individual road, and I think each
18 operator has to make that decision for himself or
19 herself and they keep their own costs based on that.

20 Q. Sir, is there any connection --
21 pardon me, with respect to government funding, which
22 appears to have been lacking in this particular
23 instance, does that present itself; that is to say, the
24 lack of government funding for road construction, does
25 that present itself to the industry as a problem on an

1 annual basis?

2 A. The industry as a whole? I am only
3 qualified I guess to speak with respect to the Red Lake
4 Crown Management Unit.

5 Q. Could you speak with respect to that
6 then specifically, please?

7 A. On a secondary road basis, no, it was
8 not a problem. However, you have to recognize that,
9 for example, the Valhalla Road and access to future
10 allocations may have been an issue, but there are a
11 number of ways of funding the construction of that
12 road. One of them obviously being government funded.
13 I am sure that there are other methods of looking at
14 that as well.

15 Q. Does the base review process have any
16 connection to the difficulty in obtaining funding for
17 primary and secondary roads?

18 THE CHAIRMAN: What process are you
19 referring to; where do you get that term?

20 MR. EDWARDS: It is a term which was
21 supplied to me, Mr. Chairman. I just understand it has
22 to do with a review of the manner in which expenditures
23 will be -- sort of zero-base budgeting is what I
24 understand it to be, and it's a --

25 THE CHAIRMAN: Conducted by whom, the

1 Ministry?

2 MR. EDWARDS: By the Ministry, as far as
3 I understand. Now, this is information that I am not
4 certain of and I am putting it to the witnesses in that
5 vein. I believe that to be the case, but I am not
6 certain of that.

7 MR. COSMAN: Can the question be put
8 again, Mr. Chairman. I'm sorry?

9 MR. EDWARDS: Yes, I will try.

10 Q. Does the base review process, which I
11 understand is in existence, have anything to do with
12 the difficulty in obtaining funding for industry at
13 this time?

14 THE CHAIRMAN: Perhaps if one of the
15 witnesses could explain what the base review process
16 consists of to start with, in ten words or less.

17 MR. KENNEDY: I don't believe it can be
18 done in ten words, but I will be as simple as I can.

19 At the outset of the budgeting process,
20 in order to try and keep government costs level, there
21 is a mechanism where we use the previous year's budget
22 as a starting point, and this is normal to be less than
23 100 per cent of the previous year's budget, and use
24 that as a best estimate of potential funds that may
25 become available, and it has reference -- or, sorry,

1 its purpose is to assist in prioritizing projects within
2 restricted amounts of public funds being available.

3 MR. EDWARDS: Q. So you can confirm that
4 it is in fact not zero-base budgeting?

5 MR. KENNEDY: A. Yes.

6 Q. You use the previous year's budget as
7 this year's planning basis?

8 A. I am now speaking of my experiences
9 in budgeting which are getting to be three years old
10 rusty.

11 MR. FREIDIN: Mr. Chairman, if I can just
12 advise, Mr. Monzon in Panel No. 1 spoke directly on
13 this matter.

14 THE CHAIRMAN: Well, we probably have
15 forgotten what he said back then.

16 MR. FREIDIN: Well I know, and I have
17 forgotten, but the problem that I face is that we have
18 put up certain people who know about certain topics and
19 can answer those questions and, you know, people have a
20 general knowledge, and I don't want to confuse things
21 by, you know, somebody who says this is the way it
22 works and...

23 MR. EDWARDS: Perhaps, Mr. Chairman, I
24 could just leave that question and if there is any real
25 problem arising from it I can speak to Mr. Freidin. I

1 don't see one.

2 MR. MARTEL: Just think what it is going
3 to be like two years from now.

4 MR. FREIDIN: By then, Mr. Chairman -- I
5 mean, Mr. Martel, we will be speaking about submissions
6 hopefully. It will be very helpful to be up on
7 everything that was said by everybody.

8 MR. EDWARDS: Thank you, Mr. Chairman.
9 Subject to that conflict of interest document, that is
10 my cross-examination.

11 THE CHAIRMAN: Thank you, Mr. Edwards.

12 Ladies and gentlemen, I think we will
13 take a break at this time. We will take a half hour at
14 this time so that we can get some of the exhibits for
15 Mr. Hanna's examination organized.

16 Mr. Hanna, you will be prepared to go at
17 that time?

18 MR. HANNA: Certainly, Mr. Chairman.

19 THE CHAIRMAN: Thank you.

20 ---Recess taken at 10:20 a.m.

21 ---On resuming at 11:00 a.m.

22 THE CHAIRMAN: Thank you. Be seated,
23 please.

24 MR. FREIDIN: Mr. Chairman, before we
25 begin, I would like to just file some documents from

1 last week. Exhibit 895, we reserved a number. These
2 were documents which completed the package in relation
3 to the Marceau Lake Cottagers Association story and I
4 think I -- there were two documents.

5 I think if we could have a B and a C; B
6 being the letter of the April 11th, 1988 from the
7 Ministry of Natural Resources to Mr. Ward of the
8 Environmental Assessment Branch with attachments.

9 Perhaps we could make as the C part of
10 that exhibit a document entitled: Project Information
11 Summary, signed by Wes Green and dated January the
12 16th, 1989.

13 You recall Mr. Green was at that time
14 with the Environmental Assessment Branch. (handed)

15 THE CHAIRMAN: Very well. 895C.

16 MR. FREIDIN: (handed)

17 THE CHAIRMAN: Thank you.

18 ---EXHIBIT NO. 895C: Document entitled: Project
19 Information Summary, signed by Wes
Green, dated January 16th, 1989.

20 THE CHAIRMAN: Very well, Mr. Hanna?

21 MR. HANNA: Mr. Chairman, given the focus
22 of our discussions the last few weeks regarding
23 scheduling, I thought I would start there.

24 I undertake to complete my
25 cross-examination by Tuesday evening to the very best

1 of my ability, so other parties can be advised of that.
2 It is possible, if we move expeditiously, that I might
3 even be able to finish before that, and I will keep Ms.
4 Devaul and other parties apprised of that if that is
5 the case.

6 As far as my cross-examination, I thought
7 I would just give you a brief overview of some of the
8 things that I wish to discuss. I would say that we
9 attempted in our statement of issues for this panel to
10 try and be as explicit as possible in terms of the
11 types of issues that we are going after to try, and as
12 much as possible, narrow down the types of issues that
13 we would have to deal with in our cross-examination,
14 and some of those issues have actually been dealt with
15 in the evidence-in-chief of the proponent and,
16 therefore, will reduce the amount of questions that we
17 will have to ask.

18 We have also in the interrogatory process
19 tried to be very extensive in our interrogatories
20 because of the scope of this panel to try and narrow
21 down the number of issues we have to deal with before
22 the Board. And, as a result, that also has allowed for
23 us to be more focused in our cross-examination here.

24 In terms of the cross-examination itself,
25 however, I think it's probably best summarized by -- I

1 believe there is seven points that we have listed in
2 our statement of issues and they would be the basic,
3 how should I say, threads of the cross-examination that
4 we will be carrying forward before the Board and
5 perhaps I can just list those for you.

6 Minimum information requirements,
7 required qualifications of planning team members,
8 traceability of decisions, accountability of decisions,
9 effectiveness of public consultation, treatment of
10 uncertainty --

11 MR. COSMAN: What was the last one?

12 MR. HANNA: Treatment of uncertainty, and
13 incorporation of non-timber values.

14 In order to expedite matters as quickly
15 as possible, what I propose to do today is to go
16 through a number of interrogatories that the Federation
17 has submitted to the proponent and to follow up on
18 issues that have arose out of those interrogatories.

19 I would note, my intention is to submit a
20 package of interrogatories. Unfortunately, because we
21 have got responses in two different packages from the
22 Ministry and whatever, and it was our -- I should have
23 probably organized them better, but when we put them in
24 for photocopying they got all confused and when I had
25 them ready I went through them, and they aren't ready.

1 I have the first two that I will be
2 speaking to and Dr. Quinney will have that package and
3 will submit it to us very shortly. So I apologize not
4 to have the full package at this time, but I will have
5 it shortly.

6 So perhaps we can give it an exhibit
7 number and when that full package comes, we can submit
8 it at that time.

9 THE CHAIRMAN: Exhibit 898.

10 MR. HANNA: (handed)

11 THE CHAIRMAN: Thank you.

12 MR. FREIDIN: Mr. Chairman, I have just
13 suggested to Mr. Hanna that perhaps he could list for
14 us now - now that we are giving them an exhibit
15 number - all of the interrogatories -- he could list
16 the ones that will be in the package, so that we will
17 have it in the same place in the transcript.

18 MR. HANNA: Dr. Quinney has my list. I
19 will -- as soon as the list comes in, Mr. Chairman, I
20 will provide that list to you.

21 MR. FREIDIN: The two that we have now,
22 Mr. Kennedy and panel, is OFAH 42 and 25.

23 MR. HANNA: That's correct, Mr. Freidin.

24 Now, my questions this morning will be
25 primarily dealing with, I expect, three of the panel

1 and I will ask Mr. Bisschop or Mr. Multamaki to decide
2 which of the two is most appropriate to answer these
3 questions.

4 Some of them will be clearly one or the
5 other, several of the questions will deal with Mr.
6 McNicol. So perhaps if you gentlemen can -- I will try
7 and direct my questions, but you might want to redirect
8 some of them to some of the other people.

9 CROSS-EXAMINATION BY MR. HANNA:

10 Q. Okay. The first interrogatory I
11 would like to deal with is Question 25 of the Ontario
12 Federation of Anglers & Hunters and it dealt with page
13 41 in Exhibit 814 which is the excerpts from the Red
14 Lake Crown Management Plan.

15 And specifically it was dealing with
16 point 6 and -- a certain part of point 6 which is the
17 first sentence there which says:

18 "All areas of concern will be examined
19 for timber values and any area volume
20 loss to other concerns in the form of
21 no-cut reserves will be fully justified."

22 Mr. Multamaki, you see that?

23 MR. MULTAMAKI: A. Yes, I have got that.

24 Q. Now, there was three parts to the
25 question. The first was: Who on the planning team

1 specifically or otherwise must fully justify any area
2 volume loss? And my reading of the answer is that no
3 individual is responsible for justifying that.

4 Is that correct, Mr. Multamaki?

5 A. The entire planning team was
6 responsible for the justification of decisions made in
7 the area of concern planning process.

8 Q. Right. But this need to justify the
9 loss, the actual timber loss...

10 A. The intent of that statement was that
11 the planning team understand why prescriptions were
12 developed and, in fact, the prescriptions that were
13 applied to an area of concern were justifiable.

14 And I think the intent was that -- the
15 only intent was that we make decisions that were
16 realistic and justifiable in the area of concern
17 planning process.

18 Q. But in terms of accountability, the
19 accountable person is the planning team and no
20 individual?

21 A. I think if you - we've discussed this
22 previously - if you look at the signature page on a
23 timber management plan, there are a number of
24 individuals depending on the line of authority that are
25 accountable for the decisions made in there. Certainly

1 the planning team does develop it and through to the
2 district manager.

3 THE CHAIRMAN: Mr. Hanna, I don't want to
4 interrupt so early in your examination, but I don't
5 think the Board wants to go through the evidence that
6 we have already heard as to who signs a plan and the
7 fact that the district manager is responsible for the
8 plan as it moves up the ladder.

9 And we have been through the hierarchy
10 and the administrative structure of the Ministry, we
11 have been through the evidence of the fact that many of
12 the decisions arrived at in a plan are the result of
13 deliberations of a planning team, and it's carried
14 forward in a document which is ultimately signed.

15 And I don't think it's helpful or
16 productive for us to go through that whole process
17 again.

18 Now, you have asked a question
19 specifically in the interrogatory as to the individual
20 involved and you were given the answer in the
21 interrogatory, and you can even supplement, I would
22 suggest, that answer with your own knowledge of the
23 planning process and who signs the plan.

24 So to lead the witnesses through it at
25 this point, I think, is just going to waste time on

1 information we already have.

2 MR. HANNA: Thank you, Mr. Chairman.

3 Q. The second part of the question deals
4 with the details of how that justification is carried
5 out and it requests information on minimum data, impact
6 prediction, evaluation of tradeoff analysis, level of
7 certainty, spacial/temporal context.

8 Now, I didn't see any reference to that
9 in the answer whatsoever and the answer is: This
10 basically happens on a case-by-case basis; is that
11 correct, those decisions?

12 MR. MULTAMAKI: A. The decisions are
13 determined on, or the prescriptions are developed on a
14 case-by-case basis, you are correct in that, in that
15 each value, each area of concern are examined on an
16 individual basis. The area of concern is identified
17 with respect to that value and a prescription is
18 developed to specifically deal with the value and the
19 area of concern associated with it.

20 Q. Yes, I appreciate that. What I am
21 asking here, we have got this statement: We must
22 justify any timber loss. What I'm looking at, it says
23 to justify. What does that mean, to justify? Well,
24 what I am going to lose from an environmental point of
25 view and what I am going to gain from a timber point of

1 view.

2 THE CHAIRMAN: Mr. Hanna, we are going to
3 interrupt again. We learned earlier that the Ministry
4 does not operate on a weighting system. That evidence
5 I think was put in by several witnesses on our way
6 through this case.

7 We have also learned that the Ministry
8 effectively looks at each decision on a case-by-case
9 basis and develops the prescriptions, and we've had
10 reams of evidence on how the Ministry goes about doing
11 that. And we have also had evidence as to the type of
12 documentation that the Ministry includes in the
13 planning process, whether by way of supplementary
14 documentation or whether by descriptions or tables
15 contained within the plan itself.

16 Now, your client may wish to produce or
17 to provide in your side of the case a different method
18 of arriving at these decisions, a different methodology
19 than presently used by the Ministry and, if that is the
20 case, do so in your own case. But to spend a lot of
21 time with these witnesses going back as to how they set
22 out their decisions in their planning process is
23 information we have already received.

24 MR. HANNA: Mr. Chairman, I appreciate
25 that direction. I guess what I am trying to pursue --

1 and I am not at all attempting to go over that, because
2 I think it has been spoken to ad nauseum. That is not
3 the purpose of my question at all.

4 The purpose of my question is that in
5 going through this process, I am trying to find out how
6 they deal with the steps that are necessary to come to
7 that final end, and if they are saying to me: We don't
8 predict impacts, we don't evaluate tradeoffs, we don't
9 deal with whether we are certain or uncertain, we don't
10 deal with spacial and temporal contexts in making those
11 decisions; then fine, be that and I will deal with that
12 in my evidence-in-chief.

13 THE CHAIRMAN: Well, I think in fairness,
14 Mr. Hanna, that is not what they have said in the
15 course of the evidence.

16 MR. HANNA: Well, the points of my
17 question, Mr. Chairman, are to try to find, and I am
18 going to deal with a specific example of how they
19 actually went through these steps in terms of: They
20 have got a document and they may not follow through in
21 the same, how should I say, structure as the way the
22 questions are being asked, but the question is still
23 relevant in my view, in that you have to predict the
24 impact. How do you predict the impact, where is that
25 document? Those are the types of questions that I am

1 asking.

2 MRS. KOVEN: I don't see, Mr. Hanna,
3 where they have to predict any impacts. Certainly when
4 it comes to justifying any sort of area of concern,
5 they simply have to apply the various guidelines and
6 that is the justification, I would assume, that it's
7 for fisheries habitat reasons or the moose guidelines.

8 I can't see any complicated steps
9 involved in that sort of justification.

10 MR. HANNA: Well, the example I am going
11 to deal with is the area of concern No. 1 in the Red
12 Lake Timber Management Plan.

13 MRS. KOVEN: Okay. Do you want to ask
14 the panel that question.

15 MR. HANNA: I will just give you an item
16 just so you can have a better appreciation of what I'm
17 trying to --

18 MRS. KOVEN: I think I can pick it up
19 from this question.

20 MR. KENNEDY: Mr. Hanna, before we
21 continue, can I ask for some clarification.

22 With regards to the OFAH Interrogatory
23 No. 25, we have provided too a second answer and I am
24 just wondering if you will provide the Board with the
25 version that is dated September the 12th, 1989 wherein

1 we had acknowledged that the answer in A and B in the
2 June 30th version requires an expansion.

3 MR. HANNA: Thank you, Mr. Kennedy. In
4 fact the one that I had in the original was the
5 September 12th, the modified version. Unfortunately
6 we've got two copies of 25 floating around.

7 I can provide the revised one to the
8 Board, if you wish.

9 MR. KENNEDY: I would appreciate it
10 because it's a fuller answer and I believe answers some
11 of the questions that you have just been addressing to
12 the panel.

13 MRS. KOVEN: What is the reason we have a
14 few copies floating around?

15 MR. HANNA: We received one answer, Ms.
16 Koven, and then a subsequent answer came that replaced
17 the former one and, unfortunately, the two have got
18 mixed up and the one that you have is the June 30th
19 response, the revised response is the September 12th.

20 MR. FREIDIN: I think the revised
21 response indicates why in fact it was revised.

22 MR. BISSCHOP: Yes. Mr. Chairman, it's
23 as simple as an edit of the typing of the first version
24 was not done and the sentence didn't particularly make
25 much sense, so we created the second version on

1 September the 12th to create a sentence that made
2 sense.

3 THE CHAIRMAN: Okay. I take it at the
4 appropriate time, the next break, you will provide the
5 appropriate copy so we will just have one before us.

6 MR. HANNA: Yes, Mr. Chairman.

7 MR. KENNEDY: I might add, Mr. Chairman,
8 with the bulk of interrogatories that we are dealing
9 with with this panel in particular, we endeavored to do
10 a number of mailings as the answers were complete to
11 provide the answers to parties as early as possible.

12 In this regard, we have --

13 THE CHAIRMAN: Okay. Well, let's get on
14 with the examination and get to specific questions and
15 the Board will then direct you, Mr. Hanna, as to
16 whether we want to hear any more with respect to those
17 answers.

18 MR. HANNA: Thank you, Mr. Chairman.

19 Q. Mr. Multamaki, can we turn to page 1
20 of Book 6 which is the documentation for the AOC No. 1.
21 Do you see that?

22 MR. MULTAMAKI: A. Yes.

23 Q. Now, section 6 on page 2 is the
24 environmental analysis of each alternative
25 prescription; is that correct?

1 A. Yes, that is what it states in
2 Section 6.

3 Q. And --
4 ---Discussion off the record

5 THE CHAIRMAN: Go ahead.

6 MR. HANNA: Q. And paragraph 3 there
7 deals with the clearcut option; is that correct?

8 MR. MULTAMAKI: A. That's correct.

9 Q. Now, my reading of paragraph 3 is
10 it's, if you will, an impact prediction. It says the
11 impact is minimal.

12 A. That's correct.

13 Q. And in paragraph 4 the no-cut is the
14 impact prediction also?

15 A. That's correct.

16 Q. And so we are looking at -- we also
17 have paragraph 3 -- paragraph 1, but let's just deal
18 with paragraph 3 and 4. We are faced with making a
19 tradeoff between the clearcut no-cut options and
20 between potential impacts on furbearers and potential
21 impacts on wood lots; is that not correct?

22 A. I would say we were forced to make a
23 decision between proposing a prescription between
24 selection cut, clear cut and no-cut. There were
25 actually three elements or three alternatives

1 identified and discussed in that section.

2 It wasn't as clear cut as no-cut/clear
3 cut.

4 Q. And was just trying to make it
5 simpler, let's just deal with this clear cut/no-cut.

6 A. Fine.

7 Q. What I am saying that what you are
8 faced there with is making a tradeoff between a wood
9 loss and an impact, in this case it suggested
10 furbearers and siltation of a creek?

11 A. Again, I guess I look at it as me
12 having to make a decision based on the information that
13 was available and the impact of those operations or
14 alternatives.

15 THE CHAIRMAN: Mr. Multamaki, surely we
16 can agree that it in fact is a tradeoff because you are
17 not choosing both options, they are not equal in their
18 impact, you are making some kind of decision as to
19 which one you are going to go with.

20 And can you not agree that in making the
21 decision to go one way you are trading off some
22 benefits or disbenefits in favour of going another way?

23 MR. MULTAMAKI: Yes. My concern was with
24 the term tradeoff. I wasn't sure how he was using it.

25 THE CHAIRMAN: Well, tradeoff is

1 something that is used in the environmental process
2 generally. It's part, I would suggest, of the
3 literature, the methodology and I am not sure that it's
4 productive to spend a lot of time talking about whether
5 or not tradeoffs, in fact, are made in an environmental
6 assessment process or an environmental analysis.

7 MR. FREIDIN: I think questions can be
8 put without using the word tradeoff if it's confusing
9 to the witness.

10 THE CHAIRMAN: Well, I don't think it's
11 confusing, I am suggesting - well, maybe it's confusing
12 to the witness - I'm suggesting that it's not confusing
13 in terms of how the term is used in environmental
14 analyses. It's a usual term, it appears in all the
15 literature, it's something that one does.

16 MR. McNICOL: Mr. Hanna, perhaps I can
17 help you with your question. I think perhaps part of
18 Mr. Multamaki's problem with answering the question is
19 that there is a basic assumption when you use the word
20 tradeoff that something is gaining and something is
21 suffering.

22 In this particular instance, with regard
23 to the stated concerns which are furbearer habitat and
24 possible siltation, I think it can be demonstrated that
25 in this particular situation the cutting that occurred

1 to, I think in this case, the alder fringe could be
2 demonstrated as something that is beneficial certainly
3 to semi-aquatic fur that might be utilizing that
4 particular stream.

5 So I would submit that there was not a
6 tradeoff made vis-a-vis furbearer habitat and given
7 that you had an adequate fringe there, filter if you
8 will, for addressing the siltation problem, that you
9 did not have a problem there either.

10 So my point I guess is that there is not
11 an impact, you are not losing with this prescription.

12 THE CHAIRMAN: Well, Mr. McNicol, surely
13 you are trading off something. If you clearcut right
14 to the shoreline, you would get more wood.

15 MR. McNICOL: (nodding affirmatively)

16 THE CHAIRMAN: If you are going to
17 sacrifice more wood in order to protect another source,
18 whether it's the fishery or the furbearers or whatever,
19 there is a tradeoff in the sense that you are trading
20 off wood production for protection of some other values
21 in the example that you have used.

22 MR. McNICOL: With respect, Mr. Chairman,
23 what you are indicating though is that by cutting to
24 the shoreline that you have damaged somehow those
25 values that you were looking to protect, but what I am

1 saying is, that that's not the case, that is not going
2 to happen in this particular situation.

3 MR. HANNA: Q. Mr. McNicol, I appreciate
4 what you said and it raises two questions I had when I
5 saw this, and the first is: How did this become an
6 area of concern right at the very beginning?

7 MR. McNICOL: A. That is a good question
8 which I cannot answer. I don't know what was in the
9 district biologist's mind at the time that that was
10 identified as an area of concern. Perhaps Mr.
11 Multamaki can help.

12 MR. MULTAMAKI: A. Yeah, I can provide
13 the answer to that. In fact what you are seeing here
14 is you are seeing a stream that is being crossed as
15 well by a secondary access road and that was, I guess,
16 the roots of this area becoming an area of concern. In
17 fact, we also have a stream crossing in this particular
18 area of concern for road access purposes, and it was
19 identified as an area of concern to begin with because
20 of the stream crossing.

21 Q. Well, Mr. Multamaki, how big an area
22 would have had to been cut for it not to have a minimal
23 impact?

24 A. If I understand your question, you
25 are asking how big of an area would have had to be

1 planned for harvest or harvested to impact on the
2 stream?

3 Q. Well, I hear Mr. McNicol saying in
4 his view, and I will accept that for the time being,
5 that this type of activity would not affect water or
6 aquatic-related furbearers.

7 Now, we have got an area of concern, you
8 say we have got this area of concern yet Mr. McNicol
9 one of the biologists is telling me: Well, that
10 wouldn't be an impact. I am saying: Well, the two
11 don't jive.

12 MR. FREIDIN: On wildlife or siltation of
13 the stream, is what he said.

14 MR. McNICOL: In this particular
15 situation.

16 MR. HANNA: It seems I am hearing two
17 different views. One view says: We have got a problem
18 here, we have got an area of concern, we better look at
19 it in detail; another view saying --

20 THE CHAIRMAN: Yes, but surely, Mr.
21 Hanna, we have heard evidence I think that you identify
22 a value or you identify a potential problem and
23 categorize it as an area of concern and look at it in
24 more detail. That doesn't necessarily follow after
25 looking at it in more detail that there will be

1 necessarily a negative impact on whatever value or
2 other concern you are looking at.

3 MR. HANNA: Q. Mr. Multamaki, what was
4 the potential concern that you identified that decided
5 to make this an area of concern?

6 MR. MULTAMAKI: A. Obviously the stream
7 was the issue or whatever, or the value that was
8 identified that created the area of concern.

9 In all -- the result of that was a
10 prescription that, in fact, was normal operations. So
11 in fact after examining the area of concern, it was
12 determined that normal operations could take place in
13 that area of concern and there would be minimal, if
14 any, impacts.

15 Q. I am still unclear what the
16 revelation that happened in this particular case where
17 you one minute had an area of concern and all of a
18 sudden you don't have an area of concern.

19 THE CHAIRMAN: Mr. Hanna, with respect,
20 please listen to the answer given. Mr. Multamaki
21 indicated that it was brought into the area of concern
22 category because there was a stream involving, in his
23 particular area, a stream crossing. That necessitated
24 under the planning process, as the Board understands
25 it, a closer look at whatever impacts might be

1 occasioned by the activity contemplated, in this case,
2 harvesting.

3 They looked closer and came up with the
4 decision, after looking closer, that there would not be
5 an impact or there would be a minimal impact and,
6 therefore, the prescription was normal operations.

7 Now, had they not identified it in the
8 first place as an area of concern they might also have
9 treated it as a normal operating area, but because of
10 the factor of a stream and a crossing being involved
11 it, under the planning process, necessitated a closer
12 look. They went through that.

13 MR. HANNA: Mr. Chairman, I appreciate
14 that. I wasn't clear on that.

15 Q. Is the reason this area of concern
16 was identified is because of the stream crossing, Mr.
17 Multamaki?

18 MR. MULTAMAKI: A. Initially, yes, that
19 there was a stream crossing involved there, it was
20 identified as an area of concern because it was a
21 stream crossing. It was also a watercourse and, in
22 conjunction with the watercourse, the stream crossing
23 and the area being allocated for harvest, it was
24 identified as an area of concern and necessitated that
25 we take a closer look at it and develop a prescription

1 for that area.

2 And if you look on page 1 of the
3 documentation sheets you will notice that under
4 resource values to be protected there is site
5 description sheets, video records available, maps and
6 so on and, in fact, what took place was that I
7 personally inspected that stream crossing, did the
8 video record myself and, in fact, discussed it with the
9 planning team, the biologist and so on, and the
10 decision was made that the impact would be minimal, if
11 any at all occurred.

12 As a result of field inspection we were
13 dealing with flat topography, relatively wide band of
14 alders and so on and the planning team made the
15 decision that, yes, in fact normal operations could
16 occur in that area of concern with minimal, if any,
17 impacts on the resource.

18 MR. McNICOL: A. Mr. Hanna, as an aside,
19 when I was working as a wildlife biologist in Thunder
20 Bay District on a number of occasions I was roundly
21 criticized by trappers within whose trap lines cutting
22 was occurring for recommending solid reserves along
23 watercourses because they were having a problem in
24 terms of beaver production.

25 Because of the fact there was overmature

1 conifer -- overmature conifer to the shoreline, what
2 they wanted to see was the introduction of some
3 deciduous species to the shoreline to encourage
4 establishment of beaver along those watercourses.

5 Q. I appreciate that, Mr. McNicol, and I
6 certainly understand the point you are making. The
7 point that I was coming at was simply: This had been
8 identified an area of concern, given that philosophy I
9 was, therefore, having a hard time rationalizing why it
10 would be an area of concern at the very beginning, if
11 your concerns are aquatic furbearers.

12 MR. BISSCHOP: A. Mr. Hanna, if I could
13 add, I think a very important element here is that at
14 the time this plan was prepared the current version of
15 the Fish Habitat Guidelines was not yet in place and,
16 as you are aware, as a result of MNR/MOE discussions we
17 have come to the position that all watercourses and
18 lakes of a certain size that appear on 1:50,000
19 topographic maps will now be areas of concern.

20 So you will be encountering this kind of
21 situation, I would suggest, increasingly more
22 frequently on management units across the province
23 where the very existence of the watercourse is -- and
24 the concern related to water quality is the reason for
25 identifying an area of concern in the first place.

1 The process is then applied and, as the
2 Chairman has reiterated again, it's possible that in
3 that process we can prescribe normal operations having
4 looked more closely at the situation. The one
5 additional element I would add there is that whenever
6 we make that decision that we can operate normally,
7 there is a requirement of the process, as outlined on
8 page 149 of the Class EA, lines 20 to 22, that
9 basically says:

10 "In such situations justification for
11 decisions to proceed with normal
12 operations must be produced."

13 And in the case of area of concern No. 1,
14 the planning team for the Red Lake Crown Unit did that
15 justification in component No. 9 of that documentation.

16 Q. Thank you, Mr. Bisschop.

17 MR. HANNA: Mr. Chairman, I have the
18 interrogatory package at this time. Perhaps we could
19 deal with that.

20 THE CHAIRMAN: Okay. So that is exhibit
21 898. That is going to come in as one package; is that
22 correct?

23 MR. HANNA: Yes, Mr. Chairman. Mr.
24 Freidin just pointed out to me, fortunately, this has
25 the correct version of 25 in it, so this is the revised

1 version of 25.

2 THE CHAIRMAN: Okay. So we'll just
3 discard the one you gave us.

4 MR. HANNA: Yes, Mr. Chairman.

5 (handed)

6 THE CHAIRMAN: Does it also have 42?

7 MR. HANNA: Yes, the whole interrogatory
8 package.

9 THE CHAIRMAN: Okay. So we will just
10 discard this completely. I have great pleasure in
11 tearing up documentation connected with this hearing.
12 ---EXHIBIT NO. 898: Interrogatory package submitted by
13 OFAH (Panel 15).

14 MR. HANNA: Q. Now, Mr. Multamaki, when
15 I was looking through the areas of concern, and this
16 one first brought it to my attention, with respect to
17 furbearers I found that the areas of concern that were
18 identified in this plan in terms of furbearers were all
19 associated with watercourses.

20 MR. MULTAMAKI: A. Yes, I think you are
21 correct, and I think perhaps Mr. McNicol could provide
22 information on why that occurs.

23 Q. Well, let's just deal with one
24 question at a time. They are all associated with
25 watercourses?

1 A. Yes.

2 Q. Mr. McNicol, would you agree that
3 cutting on upland areas could also have significant
4 impact on furbearer species such as marten?

5 MR. McNICOL: A. Depending on the type
6 of timber that is being cut there it could, yes.

7 Q. Particularly if it's a mature black
8 spruce stand?

9 A. Upland black spruce or pine stands,
10 yes, could have.

11 Q. Would you say that a species like
12 marten are virtually totally dependent on the upland
13 habitat and it is these areas that are critical habitat
14 for them?

15 A. If you are asking me whether mature
16 fully stocked coniferous stands are necessary for the
17 survival of marten, I would say no. There have been
18 studies that have indicated that areas that have been
19 partial disturbed, retaining some overhead canopy can
20 sustain marten.

21 Q. And what is ideal marten habitat?

22 A. You would have to ask a marten. I
23 can't answer that question honestly.

24 What I can say is that, and in the
25 studies that I am familiar with, and I am speaking now

1 of studies in Maine where they looked at partial
2 disturbance and its effect on marten populations, it
3 indicated that there were good marten populations in
4 partial cut stands.

5 Knowing some of the prey species that
6 marten prey upon, it's understandable, if they do have
7 some overhead canopy which seems to be an important
8 factor with regard to marten, the disturbance would
9 help perpetuate or increase the number of prey species
10 in that particular habitat; one then would assume,
11 given you have a better prey source, that the number of
12 marten could conceivably increase in those kinds of
13 situations.

14 Q. But would there not be, if you will,
15 areas of concern in that sense in terms of the upland
16 habitat in terms of marten?

17 A. If you are asking whether we do
18 identify, as a normal course, marten as a value on the
19 landscape that would be dealt with through the area of
20 concern planning process the answer is no, we do not.

21 Q. It would be dealt with through the 70
22 per cent of the species dealt with in the featured
23 species approach?

24 A. Marten I would suggest, except for
25 the situation that I explained, the partial cutting

1 scenario, would not in my estimation be adequately
2 addressed through the application of the Moose Habitat
3 Management Guidelines in all cases.

4 Q. And so it might fall as one of the 30
5 per cent or somewhere inbetween the 70 and 30 per cent
6 in terms of species dealt with?

7 A. Certainly in some situations, and I
8 couldn't give you an estimate of how many situations.
9 In some situations Moose Habitat Management Guidelines
10 could suffice for marten, depending on the type of
11 cutting that was occurring; in other situations
12 application of the Moose Habitat Management Guidelines
13 on their own, I would suggest, may not be sufficient.

14 Q. Mr. Multamaki, is there a significant
15 marten harvest from the Red Lake Crown Management Unit?

16 MR. MULTAMAKI: A. That's outside of my
17 area of expertise. We had an individual on the
18 planning team, a fur management officer as an advisor
19 who would have had access to those numbers and
20 understanding of what the marten harvest was. So I
21 can't answer that.

22 Q. Mr. McNicol -- excuse me, Mr.
23 McNicol, would you be able to help in any way?

24 MR. McNICOL: A. I am sorry, could you
25 repeat the question?

1 Q. Would you have any knowledge as to
2 whether marten is harvested from the Red Lake Crown
3 Management Unit?

4 MR. McNICOL: A. I am sure it is. I
5 couldn't give you any kind of estimates as to numbers.

6 MR. MULTAMAKI: A. It is harvested. I
7 understood the question to be, to what levels. Yes,
8 marten is a species that is harvested off the Red Lake
9 Crown Management Unit.

10 Q. Regularly?

11 A. Yes, regularly.

12 Q. Can we turn to Interrogatory 42 and I
13 believe that deals with page 120.

14 MRS. KOVEN: Is this page 120 in Exhibit
15 814?

16 MR. HANNA: I'm sorry. Yes, Mrs. Koven,
17 it is.

18 MRS. KOVEN: Which book is that?

19 MR. HANNA: It's Section 10. Mr.
20 Multamaki?

21 MR. FREIDIN: It's Book 1, Book 1 of --

22 MR. HANNA: I wasn't here for tabs, Mrs.
23 Koven, so I am somewhat disadvantaged.

24 MRS. KOVEN: All right, I have it.

25 THE CHAIRMAN: Mr. Martel is missing page

1 83 of this exhibit which contains Question 42, and I
2 think we have both ripped up our previous Questions 42.

3 Here. We have one, Mr. Hanna.

4 MR. HANNA: Q. Now, this interrogatory
5 was dealing with the statements made in the fourth
6 paragraph there in the second sentence which indicates
7 that the:

8 "Single largest factor in any roads
9 program is the cost/benefit
10 relationship."

11 And I believe the response suggests to
12 look at pages 121 and 122; is that correct, Mr.
13 Multamaki?

14 MR. MULTAMAKI: A. That's correct.

15 Q. And the cost/benefit analysis, at
16 least in the terms that are used here, is that which is
17 shown on page 122 and particularly at page 3 of the
18 cost -- or paragraph 3 of the cost comparison?

19 A. Yes, that's correct. I think what we
20 refer to that as is a financial analysis of the entire
21 road construction program on the Red Lake Crown
22 Management Unit or the proposed construction program.

23 Q. And the decision that this was, the
24 term is economical or beneficial road plan, was that we
25 had a throughout difference of \$340,000 between the

1 maximum and the estimated.

2 A. Yeah. I think when you understand
3 these figures, what it shows is that we determined that
4 the maximum allowable costs that the operators would be
5 prepared to put out would be approximately \$400- or
6 \$4,320,000 and the estimated actual costs of that work
7 program would be \$3.98-million, which left
8 approximately \$340,000 surplus, I guess, as we use the
9 term.

10 Q. Mr. Bisschop, is this in any way, in
11 your view at least, even a crude social cost/benefit
12 analysis?

13 MR. BISSCHOP: A. It's certainly at
14 least a crude analysis. In this case, as I understand
15 it, they looked at the entire road program as a package
16 in terms of addressing the question of financial costs
17 of its implementation.

18 As I understand your question -- your
19 interrogatory question and the planning provisions we
20 have, I would expect that the question of financial
21 costs would be addressed for individual roads in terms
22 of estimating the costs of a proposed road through the
23 planning requirements that involved looking at
24 alternatives.

25 Q. But what's presented here is

1 basically just an assessment of costs, there is no
2 estimate of benefits whatsoever; is there?

3 A. Certainly not on pages 121 to 122.

4 Q. Thank you.

5 A. It's very much looking at the
6 financial costs of the entire proposed road program for
7 the unit.

8 Q. Thank you.

9 MR. FREIDIN: Are you talking about the
10 benefits now being identified on those pages?

11 MR. COSMAN: I think that was the
12 question, Mr. Freidin.

13 MR. FREIDIN: Okay.

14 MR. HANNA: Q. Mr. Multamaki, the two
15 and one dollar estimates for primary and secondary
16 roads respectively. Now it's my understanding that
17 these came from local operators?

18 MR. MULTAMAKI: A. That's correct. I
19 guess it's what we would refer to as rule of thumb and
20 the operators, given their I guess financial situation
21 or whatever, essentially if the cost of road
22 construction goes beyond this two and one dollars, they
23 are unlikely to construct those roads because, as I
24 understand it, the selling price of the wood volume
25 that they would achieve as a result of spending more

1 than this on roads wouldn't cover the total cost of the
2 program and, therefore, they would be in a deficit
3 situation not a profit situation.

4 Q. Is there any incentive for the
5 operators to suggest a higher cost rather than a lower
6 cost?

7 A. The only incentive would be
8 bankruptcy, I would think.

9 Q. Is there incentive to suggest a lower
10 cost?

11 A. If I understand your question, you
12 are asking me: Is there any incentive by the operators
13 to save money and, in fact, turn that into profit in
14 their pockets. Yes, I would say there are very much
15 so.

16 Q. Now, these two and one dollar
17 allowances, do they apply broadly throughout the area
18 of the undertaking, or are there other numbers for
19 other areas within the area of the undertaking?

20 A. They are fairly specific to the Red
21 Lake Crown Management Unit and reflect the operator's
22 ability or the timber operators on the Red Lake Crown
23 ability to accept those costs.

24 They may be higher or lower elsewhere in
25 the province. I don't think you can generalize on

1 things like road costs.

2 For example, roads costs take into
3 account a number of, I guess, impacts or whatever,
4 things like cost of equipment, distance, service
5 available for road construction equipment, labour
6 sources, skilled personnel, you know, that sort of
7 thing.

8 And, in fact, this analysis is based on
9 wood delivery costs and the amount of profit that is
10 involved in delivering wood approximately -- over 200
11 kilometres to the pulp and paper mills. So there is
12 also that side of the analysis.

13 Q. So in each forest management unit we
14 would have to estimate these numbers for that unit?

15 A. Well, I dislike using the term
16 estimate. I think really what you are talking about is
17 determining what an individual company or a timber
18 operator is prepared to spend and their decision on
19 what a break-even point is with regards to road
20 construction costs, and it may be different by
21 management unit, but by operators themselves.

22 For example, simply debt load alone may
23 affect an operator's ability to construct road, size as
24 well, and there are a number of factors that are
25 involved in that.

1 Q. Would you confirm with me that this
2 estimate does not incorporate any of the net present
3 value type concepts that Mr. Hynard I think spoke to
4 and does not deal with any of the longer-term
5 implications in terms of maintenance, et cetera?

6 A. No. What it reflects is the
7 realistic attitude of the timber operators on the Red
8 Lake Crown to accept -- their question to me would have
9 been: How much is it going to cost me per cord of wood
10 to build a road into this area.

11 If I had said \$10 they would have said:
12 No, thank you; had I said \$2, they would have said:
13 Okay, fine we can accept that.

14 I don't think any of the timber operators
15 even considered net present value or any other
16 financial formula when making the roads decision.

17 Q. Are you speaking now on behalf of
18 Buchanan Forest Products?

19 A. No, I am speaking on behalf of the
20 Red Lake Crown Management Unit.

21 Q. Does Buchanan Forest Products
22 consider net present value in future cost of roading?

23 A. I am not sure what the accountants
24 consider when they make a decision on how much money to
25 spend. In fact, that has been a constant mystery to

1 me.

2 Q. One last question on this, and seeing
3 Mr. McNicol is on the panel he may want to comment on
4 it also.

5 The Racey, McNicol, Timmerman paper that
6 is Exhibit 518 was advocating the benefits of increased
7 access. And I was wondering how these types of
8 concerns are reflected in the cost/benefit relationship
9 that is referred to on page 120?

10 A. Yeah. I haven't had a chance to read
11 that. I guess John is the proper -- Mr. McNicol is
12 probably the best person to comment on it.

13 Q. I am not sure you have to read the
14 exhibit. What the exhibit is saying is there is
15 benefits beyond timber in providing increased forest
16 access and there is benefits -- long-term benefits to
17 timber, long-term benefits to other resource users.

18 And I am asking: How are those types of
19 other benefits incorporated into decisions that were
20 made in this particular plan in terms of the
21 cost/benefit of access?

22 A. You don't see those benefits formally
23 documented within this plan; however, as the plan was
24 developed under the planning team situation and
25 concept, there was certainly input into the road access

1 program by all of the other disciplines and it was
2 recognized that, for instance, there are benefits to
3 recreational users.

4 I guess I should mention as well that in
5 the mining sector there are documented instances within
6 this plan, the Mount Jamie Mine Road where we accessed
7 three gold mines but, again, that is a specific
8 instance where the road use strategy, I guess, was to
9 access the mines as well as timber and provide a
10 benefit to both mining and timber as a result of it.

11 But certainly the planning team is aware
12 that there are a number of benefits to recreational
13 users certainly, in some instances, trappers and so on.
14 So...

15 Q. Can we turn to Interrogatory 45,
16 please. I believe this is referring to page Roman
17 numeral (i) in Book 6 which gives an overview of the
18 areas of concern, whatever.

19 The question had five parts to it and
20 asked some very specific questions and we were referred
21 to Question 12 which I believe indicates that the
22 Ministry does not keep accounting on the basis of time
23 spent on these sort of activities; is that correct?

24 A. That's correct. What you are asking
25 for is an accounting of every minute of every day of

1 all of the staff members that were involved in
2 preparing the Red Lake Crown Plan and it simply isn't
3 kept in that fashion.

4 Q. I'm not sure it was every day --
5 every minute of every day. It was very specifically
6 related to the amount of effort spent in the field and
7 the office relating to the areas of concern identified,
8 and that information could not be provided; is that
9 correct?

10 MR. FREIDIN: Wait a minute, wait a
11 minute. Are you talking about Question No. 12 now?

12 MR. HANNA: The answer to Question 45
13 refers to Question 12.

14 MR. FREIDIN: All right.

15 MR. HANNA: The answer to Question 12 I
16 believe indicates that time is not accounted for in
17 this way. In other words, the information cannot be
18 provided.

19 MR. FREIDIN: That includes a request
20 that time spent by each individual collecting and
21 analysing information, you want it broken down into
22 that numerical in sub (c).

23 MR. HANNA: And Question 45 sub (a) asked
24 a similar type of question, I presume that's the reason
25 I was cross-referenced.

1 MR. FREIDIN: I'm just saying, don't
2 suggest to the witness that you didn't ask him for a
3 breakdown by time spent by each individual, because you
4 did.

5 MR. HANNA: Well, I think it's quite
6 clear what is asked here is -- I didn't ask by
7 individuals, I said total person hours. I said, one
8 way or the other, it doesn't really --

9 THE CHAIRMAN: Okay. Let's cut to the
10 bottom of it. You don't keep time records in this
11 fashion; is that correct, Mr. Multamaki?

12 MR. MULTAMAKI: No, we don't.

13 THE CHAIRMAN: Therefore you can't
14 answer this question effectively; is that correct?
15 Yes or no.

16 MR. MULTAMAKI: That's correct.

17 MR. HANNA: Q. Now, subsection (b) asked
18 what surveys were undertaken and the qualification of
19 people that undertook the surveys, question 45 sub (b).
20 And can you confirm to me that this information was not
21 provided?

22 MR. MULTAMAKI: A. Yes. As I understand
23 it, if you refer to Question 12 we were unable to
24 provide that for the same reason.

25 MR. FREIDIN: I think in terms of the

1 qualification, it refers to --

2 MR. HANNA: I am going to deal with the
3 qualifications in a moment.

4 MR. FREIDIN: All right.

5 MR. HANNA: Q. But even in terms of what
6 surveys were undertook and who undertook them, that
7 information was not provided for the areas of concern?

8 MR. BISSCHOP: A. Again, Mr. Hanna, I
9 believe the answer to Question 12 addresses that in the
10 sense that we speak to ongoing inventory activities
11 that we might carry out that we don't record who, when,
12 where, how much, that sort of thing in any fashion in
13 answer to that question.

14 MR. KENNEDY: Mr. Chairman, perhaps it
15 would be appropriate to have the answer to
16 Interrogatory No. 12 filed with you as well.

17 THE CHAIRMAN: Okay. Let's file No. 12.
18 Exhibit 899.

19 ---EXHIBIT NO. 899: Revised answer to OFAH
20 Interrogatory Question No. 12
21 dated September 12, 1989 (Panel
 15).

22 THE CHAIRMAN: We will give it the number
23 and you can produce it at some point.

24 MR. KENNEDY: Yes.

25 MR. HANNA: Q. Now, in terms of the

1 qualifications and experience we were referring --

2 MR. McNICOL: A. Mr. Hanna, I am sorry.

3 Just before you move on, with regard to the surveys
4 that were undertaken, I am sure you are aware in
5 Exhibit 814 the listing of the surveys that -- so you
6 are aware of them.

7 Q. Yes, and I appreciate that, Mr.
8 McNicol. What I was asking here was surveys that were
9 undertaken dealing specifically with the AOC not, if
10 you will, operational type surveys the Ministry does on
11 a recurring basis.

12 MR. KENNEDY: A. Could I also add that
13 in regards to moose we provided an answer to
14 supplementary Interrogatory No. 3 which was for
15 specific information related to moose.

16 Q. I believe that's actually included in
17 the package, Mr. Kennedy, at the very end.

18 THE CHAIRMAN: Okay. So we are now
19 dealing with the question as to the qualifications of
20 these people named in this interrogatory. What is the
21 answer to that?

22 MR. HANNA: I believe, Mr. Chairman, the
23 answer that I have been referred to Section 2(b) which
24 is the first page of the exhibit and it's indicated
25 there in the last paragraph that details in terms of

1 qualifications and experience are not available to the
2 public.

3 Q. Is that correct, Mr. Multamaki?

4 MR. KENNEDY: A. Mr. Chairman, I believe
5 we have dealt with this subject matter before in
6 earlier panels where we have stated our case and we
7 have indicated that a response to Interrogatory No. 2
8 where that is correct, that we do not make our
9 personnel files open to the public, no.

10 THE CHAIRMAN: And there is an
11 explanation provided in the last paragraph, Mr. Hanna.

12 MR. HANNA: Yes, I understand that.

13 Q. So basically what the public is faced
14 with is basically, if you will, the planning team are
15 the doctors of the forest but there is no knowledge
16 whether or not they are qualified to be doctors and the
17 public is not entitled to know?

18 MR. KENNEDY: A. Mr. Hanna, I believe --

19 THE CHAIRMAN: Well, the Ministry I
20 believe in the second paragraph has taken the position
21 that they are qualified to carry out their duties.

22 MR. HANNA: And the public is faced with
23 saying we trust you.

24 THE CHAIRMAN: Maybe.

25 MR. HANNA: Fine, Mr. Chairman.

1 Q. Likewise, Mr. Multamaki, no
2 information is provided in terms of the inventory
3 techniques used for the AOCs in terms of non-timber
4 values?

5 MR. MULTAMAKI: A. That's correct,
6 unless you look at the documentation sheets themselves.
7 For example, if you turn to page 1 you will notice that
8 under -- there's a section, page 1 of Book 6, and it
9 has a section No. 4, Resource Values to be Protected,
10 and under there it does list the information sources
11 that were available to the planning team with respect
12 to site description sheets, video records, maps and so
13 on.

14 MR. McNICOL: A. Mr. Hanna, part of the
15 problem with respect to identifying source of
16 information or inventory method for some of these
17 values and thus, areas of concern, relates, if you
18 remember evidence from - sorry, I don't think you were
19 here for Panel 7 - but in Panel 7 we indicated there
20 are a number of sources that are brought to bear with
21 respect to identifying values vis-a-vis a timber
22 management plan.

23 For instance, if we look at something
24 like an osprey's nest. There are several ways that
25 that osprey's nest may have ended up on the map that is

1 kept by the district biologist that quantifies herons,
2 eagle and osprey nest sites. Most districts have such
3 a map that would indicate where these sites are.

4 Now, some of that information may be
5 dated, but speaking from my own experience there is not
6 an indication as to where that original identification
7 came from. It may have subsequently been verified
8 through Ministry surveys, and we do this quite often
9 with respect to checking on productivity of these nest
10 sites to ensure that they are still active.

11 But, for instance, a fisherman may have
12 been the original finder of this particular osprey
13 nest, it may have been a lake survey crew, it may have
14 been somebody flying by in an MNR helicopter for some
15 other purpose. So the way that that particular value
16 got identified in that particular site oftentimes is
17 lost. What we do know is there is a value there.

18 MR. MULTAMAKI: A. I would also like to
19 point out that on page 5 or Roman numeral (v) of Book 6
20 there is a listing of information storage and, as I
21 understand it, I think that is what you are getting at,
22 is where did a lot of this information come from and a
23 large portion of it, of course, is collected routinely
24 as well through various surveys that the Ministry
25 undertakes not specifically for the AOC process or

1 specifically for timber management plan preparation.

2 Regardless of that, the information is
3 there and it is used by the planning team to develop or
4 determine what prescriptions are appropriate for that
5 area of concern. And, for example, here there is 10 or
6 15 different surveys alone that have application in the
7 area of concern planning process. As well you would
8 find a similar situation on the Red Lake Crown for
9 timber management operation. You would have
10 operational cruising surveys, you would have
11 regeneration surveys, you would aerial inspections, you
12 would have infrared photography.

13 THE CHAIRMAN: Mr. Multamaki, sorry to
14 interrupt you, but we have been through several times
15 the sources of the information used by the Ministry,
16 the ways in which that information is collected and
17 often the way that information is displayed.

18 In specific answer to Mr. Hanna's
19 question, you do not document in the plan itself the
20 inventory techniques used?

21 MR. MULTAMAKI: No.

22 THE CHAIRMAN: Essentially.

23 MR. MULTAMAKI: Except for the
24 operational cruising methodology, that is an appendice
25 and a requirement.

1 THE CHAIRMAN: All right. But apart from
2 that, you don't identify inventory techniques--

3 MR. MULTAMAKI: That's correct.

4 THE CHAIRMAN: --any other ways?

5 MR. HANNA: Q. And with the operational
6 cruising methodology, it's laid out in a considerable
7 amount of detail in the plan; is it not?

8 MR. MULTAMAKI: A. Yes. It's in
9 Appendix E of the Red Lake Crown Plan.

10 Q. And with operational cruise data, you
11 actually go out and collect information specifically
12 for the plan and don't rely solely on information that
13 is in the file?

14 A. I hesitate to use the term
15 specifically for the plan. We collect that information
16 for a range of purposes, one of them being plan
17 preparation purposes.

18 Q. Before I go on to this next question
19 I would like to get something sorted out here and
20 perhaps, Mr. Bisschop, you can help me on this.

21 I believe there was an exhibit introduced
22 dealing with how you go from a value to an area of
23 concern do; you recall that?

24 MR. BISSCHOP: A. Yes, that's correct.

25 Q. Now, what I would like to get

1 clarified is how do you go from a value to a
2 preliminary area of concern to a final area of concern,
3 just to clarify that in my mind just how those three
4 concepts all fit together?

5 A. There is not particularly any direct
6 relationship between a preliminary area of concern and
7 an area of concern within the five-year term.

8 The preliminary area of concern I spoke
9 to in direct evidence as being sort of a concept that
10 involves generalizing a values map for a specific
11 purpose, and that generalization involved identifying
12 what I called major features; for example, a collection
13 of tourism lakes, a water system that might be a canoe
14 route for example, and visible clusters of values that
15 one could group, and the intention was to do that
16 generalization of values for the specific purpose of
17 using that information in primary road corridor
18 planning at the 20-year level.

19 In terms of the five-year plan of
20 operations, if you will, you basically go back to the
21 values map and within the area allocated you look for
22 values within the area allocated and identify areas of
23 concern and then proceed into the next level of
24 planning.

25 Q. Fine. Would moose wintering areas,

1 calving sites, mineral licks - what is the other one -
2 would they be eligible as preliminary areas of concern?

3 A. I think in terms of groupings,
4 clustering of site-specific locations, if that's
5 visible as a clustering kind of feature on the values
6 map, yes. But in terms of a broad area that might be a
7 moose wintering area, I wouldn't suggest that that
8 would necessarily become a preliminary area of concern.

9 Again, you are concerned about -- the
10 purpose of identifying preliminary areas of concern is
11 for road planning and I can't personally specifically
12 speak to the relationships between moose habitat and
13 road planning. Perhaps Mr. McNicol could add a
14 dimension there.

15 But, as I understand, moose wintering
16 areas, if they are specific localized geographical
17 areas, yes, they could be incorporated into preliminary
18 areas of concern, but if they are something larger, I
19 wouldn't expect that.

20 Q. Now, in the - maybe you can answer
21 this for me - the values map, does that come in at the
22 preliminary area of concern level also, is it used also
23 to identify preliminary areas of concern?

24 A. Yes. Again, if you will, and I
25 indicated in my direct evidence that perhaps the name

1 preliminary area of concern is, in effect, outdated
2 now. What we are really talking about is generalizing
3 the values map. So there...

4 Q. So I can put that preliminary area of
5 concern out of my vocabulary and just deal with values
6 and areas of concern?

7 A. I guess you weren't here when I
8 demonstrated the production of the preliminary area of
9 concern map?

10 Q. I'm sorry, no, I was not.

11 A. There's an exhibit, Exhibit 835 where
12 I demonstrated how I would, through an overlay,
13 generalize the map.

14 Q. Yes, I have looked at that exhibit
15 and I actually have read some of the transcripts
16 dealing with that and that is part of the reason that I
17 am raising the subject.

18 On that particular map there seems to be
19 a number of different features that are identified and
20 it includes things like aquatic feeding areas.

21 A. That's correct.

22 Q. Now, if I come back then to the Red
23 Lake Timber Management Plan on page Roman numeral
24 (viii) under wildlife habitat concerns, paragraph 12
25 seems to deal with that topic; is that correct?

1 A. Yes, they identify what I would
2 consider, with again the exception of my qualification
3 on the moose winter concentration areas, as being
4 site-specific features of particular interest in most
5 of those -- of particular interest to wildlife species,
6 some of them dealing with moose and then I see water
7 fowl there as well.

8 Q. But they would show up on the values
9 map?

10 A. Would show on the values map. Known
11 features of those qualities would show on the values
12 map.

13 Q. Mr. McNicol, in your
14 evidence-in-chief I believe you spoke to the matter of
15 grading habitat into high, medium and low levels in
16 order to assist in the application of the guidelines;
17 do you recall that?

18 MR. McNICOL: A. I do.

19 Q. Is much of the Red Lake Crown
20 Management Unit classed as high capability moose
21 habitat?

22 A. I can't comment on that, I am not
23 sure.

24 Q. Well, perhaps then -- I am going to
25 come back to this, I won't come back to it today, but

1 just so that we can discuss this at some time before I
2 we are finished. I think on the list of exhibits that
3 I spoke to was a paper by Todesco and I believe he does
4 deal with the Red Lake Crown Management Unit Plan.

5 Perhaps when you get a moment you might
6 take a look at that and see how he's classed it and
7 perhaps we can discuss that at a later time.

8 A. Very well.

9 Q. Mr. Multamaki, can you tell me where
10 in the Red Lake Crown Management Unit Plan I would find
11 the FRI maps that record the features described in
12 paragraph 12?

13 MR. MULTAMAKI: A. What you are
14 referring to is maps that would be contained in the
15 district databank. This plan did not contain -- or
16 didn't contain a values map because that wasn't a
17 requirement at the time the plan was prepared; however,
18 it did have a forerunner of the values map in the form
19 of a databank which was really a series of maps that
20 contained -- series of maps and records that contained
21 the information that is now on a values map. So that
22 is where you would find that information.

23 Q. But there is a preliminary areas of
24 concern map?

25 A. Yes, there is.

1 Q. Which Mr. Bisschop has said in the
2 new jargon is essentially the values map. Am I
3 incorrect there, Mr. Bisschop?

4 MR. BISSCHOP: A. The generalization of
5 values map.

6 Q. Yes.

7 A. And, again, I think Mr. Multamaki's
8 indicated there wasn't the requirement at the time he
9 produced the plan, the Red Lake Plan for a values map,
10 and in his direct evidence he indicated that his
11 approach to preliminary areas of concern was different
12 and he described exactly the approach that they took to
13 that step of the process.

14 Q. So you can confirm for me, Mr.
15 Multamaki, that on that preliminary areas of concern
16 map and indeed in any of the maps that are produced in
17 the Red Lake Crown Management Plan, there is no
18 indication of moose winter concentration areas, moose
19 aquatic feeding areas, calving sites, mineral licks,
20 water fowl nesting areas, et cetera?

21 MR. MULTAMAKI: A. No. What you're
22 referring to is information that was contained in the
23 district databank.

24 Q. And it's in none of the maps and it's
25 not indicated anywhere in the plan?

1 A. Not in the plan itself.

2 THE CHAIRMAN: All right. But do we get
3 it correctly, Mr. Multamaki, that if a plan were done
4 today using the process put before the Board there
5 would be a values map as part of the planning process
6 required that would show those features?

7 MR. MULTAMAKI: Certainly.

8 THE CHAIRMAN: Likely show those
9 features.

10 MR. MULTAMAKI: Certainly it would, and
11 in fact what it is now is that databank has been
12 compiled into a values map and is now part of the plan.

13 It's not that the information isn't there
14 or that it wasn't used to make the decisions, it's just
15 a case of now it's on a values map, it's part of the
16 plan and in the past it was in a databank in a variety
17 of formats.

18 THE CHAIRMAN: All right. Does that
19 assist, Mr. Hanna, in terms of the Red Lake Plan?

20 MR. HANNA: Yes, thank you, Mr. Chairman.

21 Q. Mr. Multamaki, you can confirm for me
22 that the fact that you had this information in the
23 district files in your databank, you had the values
24 information, but for some reason or another none of
25 those concerns became areas of concern?

1 MR. MULTAMAKI: A. We simply didn't
2 encounter them through the allocation process and the
3 identification of specific areas of concern. Just as a
4 comment, on Roman numeral page (v) of that book, that
5 was the -- really under Information Storage - I don't
6 want to go into it - but that is where all of this
7 information is contained in the databank and what's
8 contained in it.

9 THE CHAIRMAN: And, Mr. Multamaki, can we
10 ascertain from your previous evidence that where areas
11 of concern were identified; in other words, where you
12 encountered these particular values, notwithstanding
13 there wasn't a values map in the Red Lake Plan, they
14 were dealt with as areas of concern?

15 MR. MULTAMAKI: That's correct.

16 THE CHAIRMAN: So that where you have not
17 dealt with a moose wintering habitat or ground or
18 something like that, you simply didn't encounter it and
19 that is why it doesn't appear in the area of concern
20 documentation relative to the Red Lake Plan?

21 MR. MULTAMAKI: Yes. You have chosen
22 moose wintering areas. That is also a product of the
23 allocation method used, in that it's relatively
24 dispersed scattered blocks and so on and, in fact,
25 didn't come up as an issue. But with respect to things

1 like aquatic feeding areas and so on, yes, had they
2 been encountered we would have established those.

3 THE CHAIRMAN: Okay. But obviously when
4 you are producing a management plan you are going to
5 relate it to the allocation areas, not the entire unit?

6 MR. MULTAMAKI: That's correct.

7 THE CHAIRMAN: So, consequently, if you
8 don't run into it in terms of where you want to
9 allocate, it does not appear in the area of concern
10 part of the plan?

11 MR. MULTAMAKI: That's right. In order
12 to become an area of concern it has to be identified as
13 in an area allocated for operations.

14 THE CHAIRMAN: Right.

15 MR. HANNA: Q. In the five-year
16 allocation?

17 MR. MULTAMAKI: A. In the five-year
18 allocation, yes.

19 THE CHAIRMAN: Does that give you your
20 answer, Mr. Hanna?

21 MR. HANNA: Thank you, Mr. Chairman.

22 Q. So just to be clear that I can be
23 confident then that in the stands allocated in the
24 five-year allocation in the Red Lake Crown Management
25 Unit that there are no, identified at least--

1 THE CHAIRMAN: Known or identified?

2 MR. HANNA: Known. Thank you, Mr.

3 Chairman.

4 Q. --moose winter concentration areas,
5 moose aquatic feeding areas, mineral licks, calving
6 sites, water fowl nesting areas, et cetera?

7 THE CHAIRMAN: That doesn't mean to say
8 that if you didn't tramp out over every square inch of
9 every hectare you may not find one of those things.

10 MR. HANNA: I understand, Mr. Chairman.
11 I think my question was qualified.

12 MR. MULTAMAKI: That's correct.
13 Although, again, I hesitate on the moose winter
14 concentration areas because they may have been dealt
15 with through the allocation method and it wasn't felt
16 that it was an area of concern; i.e., the blocks were
17 dispersed and so on as Mr. McNicol has talked about in
18 lead.

19 MR. EDWARDS: Q. So you could have an
20 area of concern but it is not identified because you
21 are going to deal with it?

22 MR. KENNEDY: A. Well, this can be a bit
23 confusing. There may be areas that -- or winter
24 concentration areas adjacent to stands that are
25 selected for harvest. So, as such, they would not show

1 up with an area of concern prescription because they
2 are not part of the plan harvest area. They may be
3 adjacent to and within other stands that are --

4 THE CHAIRMAN: But they would be dealt
5 with under the moose habitat guidelines; would they
6 not?

7 MR. KENNEDY: That's correct. And
8 that's, Mr. --

9 MR. HANNA: Q. And the public would have
10 no knowledge that they existed?

11 MR. KENNEDY: A. They would be -- in
12 today's planning process with a full values map being
13 prepared, that information would be shown on the values
14 map and it would be common to put additional notations
15 on maps that are displayed at information centres, but
16 they would not be labelled as an area of concern in the
17 manner in which we do our record keeping relative to
18 the areas that are selected for the five years first.

19 THE CHAIRMAN: Mr. Hanna, would you find
20 a convenient time. We are going to break for lunch.

21 MR. HANNA: You read my mind, Mr.
22 Chairman. I think it would be expeditious.

23 THE CHAIRMAN: Two o'clock. Thank you.

24 ---Luncheon recess taken at 12:30 p.m.

25 ---On resuming at 2:10 p.m.

1 THE CHAIRMAN: Thank you. Be seated,
2 please.

3 Mr. Freidin?

4 MR. FREIDIN: Mr. Chairman, the Ontario
5 Federation of Anglers & Hunters Interrogatory No. 12,
6 we had hoped that it had been revised.

7 THE CHAIRMAN: Yes.

8 MR. FREIDIN: I have the revision date as
9 September the 12th, 1989. Perhaps we could file that
10 as the next exhibit.

11 THE CHAIRMAN: Okay. Well, why don't we
12 just replace it as Exhibit 899?

13 MR. FREIDIN: Sure.

14 MR. KENNEDY: Excuse me, Mr. Freidin. To
15 be sure the record is correct, it is not that it has
16 been revised, it was one that hadn't been included in
17 the package supplied by OFAH this morning and we had
18 made the recommendation that we would supply it
19 separately.

20 MR. FREIDIN: Right.

21 THE CHAIRMAN: It is still 899, we gave
22 it a number before.

23 MR. FREIDIN: (handed)

24 THE CHAIRMAN: Thank you.

25 Okay, Mr. Hanna.

1 MR. HANNA: Mr. Chairman, I indicated
2 that I would give a list of the interrogatories in the
3 package, Exhibit 898, in case someone was following the
4 hearings by the transcripts. I have that list now, if
5 you wish.

6 THE CHAIRMAN: Okay. You might as well
7 recite it quickly.

8 MR. HANNA: The interrogatory questions
9 in Exhibit 898 are 2, 3, 4, 7, 13, 19, 24, 25, 26, 30,
10 31, 35, 36, 38, 42, 44, 45, 48, 53, 55, 56, 57, 58, 59,
11 and 60 and supplementary questions 1, 2 and 3.

12 Mr. Chairman, I am not planning going
13 through all those questions in my cross-examination,
14 but I felt it was better to put them in as a package,
15 that we may refer to them later. In the interest
16 perhaps of the bookkeeping, one question was
17 inadvertently left out and that is Question 21.

18 Now, I have it. If you wish we can make
19 it 898A or you can give it a separate exhibit, however
20 you wish to --

21 THE CHAIRMAN: Well, we don't care if you
22 are not going to be dealing with it. If you are going
23 to be dealing with it --

24 MR. HANNA: I am going to be dealing with
25 it, that's the only reason I wish to enter it.

1 THE CHAIRMAN: Okay. We might as well
2 put it in. Well, we haven't got staplers up here,
3 so...

4 MR. HANNA: I could arrange to have that
5 done, Mr. Chairman, if you wish.

6 THE CHAIRMAN: Well, why don't we go for
7 an even 900 since we are almost up there.

8 MR. HANNA: As long as it is not a
9 thousand.

10 THE CHAIRMAN: We will make it Exhibit
11 900.

12 MR. HANNA: (handed)

13 THE CHAIRMAN: Thank you.

14 ---EXHIBIT NO. 900: OFAH Interrogatory Question No.
15 21 (Panel 15).

16 MR. HANNA: There was one other matter
17 that was outstanding over the lunch break. I had asked
18 Mr. McNicol to look at the Todesco paper and to
19 determine whether or not the Red Lake Crown Management
20 Unit Timber Management Plan contained areas of high
21 quality moose habitat according to that analysis.

22 And I believe it may be an appropriate
23 time to introduce it at this time. I am going to be
24 speaking to it later, but perhaps just to get that out
25 of the way I might --

1 THE CHAIRMAN: Well, are you going to be
2 dealing with it just in the context of having Mr.
3 McNicol answer that question?

4 MR. HANNA: I will simply do that at this
5 time, Mr. Chairman. But, no, later I was going to deal
6 with it in more detail. So if you wish I could put it
7 off and deal with it then.

8 THE CHAIRMAN: Well, why don't you deal
9 with it at one time.

10 MR. HANNA: Fine, Mr. Chairman.

11 Q. Could we turn to Interrogatory No. 2
12 please, in Exhibit 898. And, Mr. Multamaki, I would
13 like to ask you several questions.

14 We have already dealt I believe with
15 sections (a), (b) -- (a) and (b). It is particularly
16 the (d) component of the interrogatory I would like to
17 deal with.

18 THE CHAIRMAN: Does the answer to the
19 interrogatory on the back -- is that the answer of the
20 Ministry to (d)?

21 MR. KENNEDY: Yes, it is.

22 THE CHAIRMAN: What more do we have to
23 know about that? You have asked a question --

24 MR. HANNA: No, there is nothing more to
25 ask about that, Mr. Chairman, it is a question that

1 comes out of that response.

2 Q. Now, it is my understanding that it
3 is a requirement that a timber management plan be
4 prepared by a registered professional forester; is that
5 correct, Mr. Multamaki?

6 MR. MULTAMAKI: A. That's correct.

7 Q. And that's the reason that you seal
8 the plan with your stamp as a professional forester?

9 A. That's correct.

10 Q. In doing so, is it your view that
11 this provides the public with some assurance of the
12 basic level of qualifications and experience, at least
13 as far as forestry is --

14 THE CHAIRMAN: Isn't that a statutory
15 provision in the Crown Timber Act?

16 MR. KENNEDY: Yes, it is.

17 THE CHAIRMAN: Where an Act of the
18 Legislature, Mr. Hanna, says you shall do something and
19 it shall be signed by somebody having a particular
20 qualification, in this case a registered forester,
21 there is no choice.

22 MR. HANNA: I appreciate that, Mr.
23 Chairman. I was simply asking: Does that not provide
24 the public, that statutory requirement and the fact
25 that the public sees that on a plan, some assurance as

1 to the minimal level of qualifications and experience
2 of the individual who is preparing the plan.

3 THE CHAIRMAN: Well, it is hard to know
4 what is in the public's mind, but obviously something
5 was in the legislators' minds when they enacted the
6 provision.

7 MR. HANNA: Q. Mr. McNicol, are you
8 familiar with the term certified wildlife biologist?

9 MR. McNICOL: A. No, in all honesty I
10 have to say I'm not.

11 Q. Do you know if the Wildlife Society
12 certifies certain members of its group?

13 A. No, I'm not.

14 Q. Do we have any other biologist on the
15 panel?

16 MR. KENNEDY: A. No, we do not.

17 Q. I will save that for later.

18 Can we turn to Interrogatory 35, and I'm
19 looking at the last component of the question regarding
20 the net benefits forecast for wildlife populations and
21 the response that there has been no attempt to forecast
22 the net benefits.

23 Perhaps either Mr. Multamaki or Mr.
24 McNicol might be able to answer this. In making this
25 response, am I appropriate in interpreting this that

1 the implications in terms of these modifications
2 haven't been looked at in the short term or the long
3 term; in other words, over the rotation of the forest
4 or in the shorter term? Is that how I should interpret
5 that response?

6 MR. McNICOL: A. If I just might have a
7 second to read the response.

8 Q. Sure.

9 MR. FREIDIN: The question again?

10 MR. HANNA: The question is: What net
11 benefits of the modifications - and the modifications
12 are referring to page 93 of I believe Book 1 of the Red
13 Lake excerpts, Exhibit 814 - the benefit of -- what
14 projections of those benefits have been made or
15 forecast?

16 MR. McNICOL: And so I am completely
17 clear, Mr. Hanna, your question relates to whether
18 there was some kind of a rigorous examination of what
19 future benefits might be to a modified harvest scenario
20 in those areas of concern for the value identified?

21 MR. HANNA: Q. What benefits were
22 forecast, either in the short or long term, in terms of
23 the modified harvest prescriptions that are described
24 in Tables 4.15 -- yes, 4.15.1?

25 MR. McNICOL: A. The decision to modify

1 normal operations was done cognizant of the value that
2 was to be protected. The decision was made that
3 harvesting could be allowed there but it could not be
4 normal operations, there would have to be a
5 modification, and the planning team determined that
6 modification of normal operations would be sufficient,
7 whatever the prescription, to deal with the value and
8 protect the value.

9 THE CHAIRMAN: No, but, Mr. McNicol, I
10 think Mr. Hanna's question is - and I think it is a
11 simple answer - Did you in fact make any forecast of
12 the net benefits which might result to the wildlife
13 populations as the result of going to a modified
14 harvest in these areas?

15 Was there a study undertaken that
16 forecasted ahead in the short or long term what the net
17 benefit might be to the wildlife populations given the
18 fact that you have chosen or decided to conduct the
19 activity through a modified harvest?

20 MR. McNICOL: Implicit in the guidelines
21 is an understanding of how a particular prescription
22 will deal with a particular value--

23 THE CHAIRMAN: Right.

24 MR. McNICOL: --given it's implemented.

25 THE CHAIRMAN: Those are the guidelines.

1 But there is no net benefit analysis apart from what it
2 is implicit in the guidelines? I think that is what
3 Mr. Hanna is getting at.

4 MR. McNICOL: No.

5 MR. HANNA: Thank you.

6 Q. Mr. Multamaki, perhaps you can assist
7 me on this. I am looking on page 95, Table 4.15.1, and
8 there is two columns there, the normal and modified.
9 And I presume that this comment on page 93 is referring
10 to that modified column; is that correct?

11 MR. MULTAMAKI: A. Yes. I think in the
12 list of errata you will notice that where it states on
13 page 93, the third paragraph under section 7.1.3, it
14 says:

15 "In both tables 4.15.1 and 4.15.2, the
16 modified column refers to modified
17 harvest techniques in normal operating
18 areas."

19 That should be in areas of concern, and
20 in fact is addressed in the errata sheet that was
21 supplied with the Red Lake Crown Plan.

22 Q. Right. And so, therefore, this
23 response in terms of forecast that we have just dealt
24 with, it was referring to the benefits that might
25 accrue from the areas of concern?

1 A. That's right. I guess the background
2 on that statement was that the standing timber that
3 remained as a result of modified harvest operations in
4 areas of concern would be a benefit to wildlife for
5 both shelter and habitat purposes.

6 Q. Was there any attempt for the Red
7 Lake Crown Management Unit to forecast the wildlife
8 benefits and costs of the five-year allocations in
9 normal operating areas?

10 A. Are you asking: Did we do a cost
11 benefit analysis for wildlife purposes in this timber
12 management plan; is that --

13 Q. I am asking if there is any forecast
14 of the benefits and, if you will, negative impacts on
15 wildlife of the five-year allocations in the Red Lake
16 Crown Management Unit plan?

17 A. The only place that that occurred was
18 in the area of concern documentation process and
19 recorded in the documentation sheets where --

20 Q. Sorry to interrupt, but I'm just
21 talking about normal operating areas here. That's why
22 I went through it. I just went through it to clarify
23 that we are talking areas of concern in this response,
24 I am now asking you in normal operating areas.

25 THE CHAIRMAN: But surely if there had

1 been a negative impact forecasted, you wouldn't be into
2 normal operations in the sense that you would be
3 treating it as an area of concern; would you not?

4 MR. MULTAMAKI: That was the point I was
5 going to raise, that if there had been negative impacts
6 identified -- a value identified and any impacts
7 identified it would have been an area of concern and,
8 in fact, would no longer be normal, therefore, wouldn't
9 be subject to the type of question that you are asking.

10 It would, in fact, have been removed into
11 the area of concern planning process dealt with there
12 and would show up there.

13 MR. HANNA: Q. But aren't we also
14 concerned with optimizing positive benefits too?

15 MR. MULTAMAKI: A. Optimizing positive
16 benefits, yes. I think if you read the objectives --
17 or look at the objectives and strategies section of the
18 plan that is one of the comments, that we optimize the
19 benefits.

20 Q. And are you suggesting to me that
21 areas of concern are only identified where there is
22 negative impacts, and where you can have positive
23 impacts they aren't areas of concern?

24 A. No. I'm saying areas of concern are
25 specific geographical areas that are adjacent to or

1 result from identified values.

2 MR. KENNEDY: A. Mr. Hanna, I believe
3 that's reflected in our answer to Question 35 where we
4 have indicated in the areas of concern that there is
5 both the protection or enhancement of wildlife habitat
6 values associated with the areas of concern.

7 THE CHAIRMAN: I don't think, Mr. Hanna,
8 they are using optimization in the same sense as Dr.
9 Baskerville.

10 MR. HANNA: Or others.

11 THE CHAIRMAN: Or others. But we have
12 been around that road a few times I think.

13 MR. HANNA: Yes, I am aware of that, Mr.
14 Chairman.

15 Q. Can we look, Mr. Multamaki, at
16 Interrogatory No. 38. Now, I used your estimate of the
17 value of a cord of wood at about \$34 a cord -- or,
18 excuse me, was that \$34 a cord or a cubic metre?

19 MR. MULTAMAKI: A. Cubic metre.

20 Q. Sorry. And using that number one
21 could calculate here that the amount of timber that's
22 left in reserve would be worth about \$1.5-million?

23 A. I haven't actually done the
24 calculation, but I will take your word for it.

25 Q. Would that be a reasonable way to

1 calculate it?

2 A. If you understand the assumptions
3 built into that \$34 a cord, yes. And those assumptions
4 are that the \$34 represents -- or, sorry, \$34 per cubic
5 metre represents the selling price of that cord of wood
6 delivered to the mill by a timber operator on the Red
7 Lake Crown.

8 THE CHAIRMAN: But its enhancement after
9 it reaches the mill and then ends up in a product,
10 whether it is newsprint or furniture or whatever, might
11 be several times that?

12 MR. MULTAMAKI: Yes, exactly. For
13 example, if it is turned into a volume of paper or
14 lumber or whatever, all of the benefits accrued to that
15 processing are above and beyond the \$34 a cubic metre.

16 MR. HANNA: Q. Now, when I looked at how
17 that volume was distributed among the concerns in the
18 Red Lake Crown Management Unit Plan, I found that a
19 very high proportion - indeed well over 80 per cent -
20 was associated strictly with tourism and fisheries
21 concerns?

22 MR. MULTAMAKI: A. Again, I will have to
23 take your word for it. We never --

24 THE CHAIRMAN: What is the relevance of
25 this exactly?

1 MR. HANNA: I think this is a case study,
2 Mr. Chairman, of seeing what sort of allocations were
3 made and in terms of the importance that are assigned
4 to different resource values. And I think the evidence
5 will show that virtually none of the allocation for
6 reserves or modified harvest was due to, in any way,
7 wildlife.

8 MR. FREIDIN: Mr. Chairman, we have the
9 evidence-in-chief and I think this panel again has
10 indicated in cross-examination that wildlife concerns
11 were, in fact, addressed in a significant way through
12 the break up of the cut.

13 They allocated the cut in such a way that
14 they weren't contiguous and that they were broken up
15 and provided good moose habitat, and you have heard
16 about the evidence as to what the Ministry relies on
17 good moose habitat providing for.

18 I don't think that the characterization
19 that nothing was done for wildlife was correct having
20 regard to the clear evidence put in by the Ministry.

21 MR. COSMAN: Mr. Chairman, I am concerned
22 as a matter of procedure of this cross-examiner giving
23 evidence and having the witness saying: I will take
24 your word for it.

25 The question is appropriate. If the

1 witness knows the answer, that's different.

2 THE CHAIRMAN: Well, you can appreciate
3 the difficulties, Mr. Cosman, in the sense that we are
4 trying to assist Mr. Hanna in having the questions put
5 and we are not following the normal procedure as
6 closely as we might otherwise, but your comment is
7 noted.

8 MR. FREIDIN: If Mr. Hanna wasn't here, I
9 would direct him specifically to the evidence of Mr.
10 McNicol in relation to Part 11 of Document No. 2 and
11 the evidence of Mr. Multamaki in relation to that same
12 evidence as to how he broke up the cut in consideration
13 of wildlife concerns.

14 MR. HANNA: Mr. Chairman, I will look at
15 that and deal with that if necessary.

16 THE CHAIRMAN: Thank you.

17 MR. HANNA: Q. Mr. Multamaki, I would
18 like to deal with Question 55, if we might, please.
19 And I believe the --

20 MR. FREIDIN: Can you just give the
21 witness just a chance to read it for a second before
22 you ask the question.

23 MR. MULTAMAKI: Okay.

24 MR. HANNA: Q. Now, my question here is
25 dealing with the matter of minimum information, the

1 amount of information that's available to the Ministry.
2 And this response indicates, this is what we knew in
3 terms of the specific species that are identified in
4 the question, and then it goes on and indicates that
5 during the construction of a road that a heronry was
6 discovered.

7 Now, I take it that that heronry was not
8 known or was not available, it was not recorded on the
9 district files prior to that time?

10 MR. MULTAMAKI: A. That's right. I am
11 glad you asked that question because that's a rather
12 interesting occurrence.

13 That heronry, in fact, there is the
14 strong suspicion by the fish and wildlife staff that,
15 in fact, it had moved as a result of Fire No. 7 which
16 took place in the spring of 1986. It burned out a
17 heronry that was on Knox Lake in the west and, in fact,
18 when those animals returned in 1987 -- or those birds
19 returned in 1987 they established, we suspect - and,
20 you know, the birds aren't tagged or anything so we
21 didn't know whether it was, in fact, the same birds -
22 but a new heronry had been established during that
23 spring in the middle of a road right-of-way that was
24 already approved in the timber management plan, and
25 what took place was the timber operator went out to

1 build the road, saw that the heronry was there and
2 immediately ceased operations, came in and talked to
3 myself about it and said: Hey, look, we have got a
4 heronry there, you know, this is chicks in the nest and
5 so on, what do we do about it?

6 And that was the point where the
7 amendment process kicked in due to the identification
8 of new values and, in fact, we realigned the road
9 through the amendment process to accomadate the
10 identification -- or the occurrence of this new
11 information.

12 Essentially the information wasn't new,
13 the heronry was new and the timber operator was the one
14 that brought it to our attention.

15 Q. Now, how do you know that the heronry
16 was new?

17 A. Because it wasn't there the year
18 before when the road right-of-way was laid out; i.e.,
19 the road right-of-way had been laid out and ribboned in
20 by staff on the ground in the previous year and
21 essentially the trees where the road right-of-way had
22 been laid out had a new nest in it in the spring. So
23 there was pretty strong evidence that it hadn't been
24 there the year before.

25 Q. Who laid out the centre line?

1 A. The same timber operator who reported
2 the heronry the next spring, and he told us that it was
3 new because he had laid the road out the year before.

4 Q. Would you agree that the reason that
5 this took place is because heronries are highly visible
6 even to the untrained eye?

7 A. If not only highly visible, they are
8 also quite noisy and messy. When you walk underneath
9 one you know it, it is pretty obvious.

10 Q. Hard to miss it?

11 A. Yes, I would say so.

12 Q. Mr. McNicol, are all sensitive
13 natural environment features that hard to miss?

14 THE CHAIRMAN: Mr. Hanna, I'm sorry to
15 interrupt but we have been extensively through the
16 evidence as to how this data is gathered, as to the
17 databanks effectively that are kept by the Ministry of
18 these various wildlife resources, and how the ones that
19 are known are, in effect, mapped on a values map, and
20 when new ones occur that come to the Ministry's
21 attention they are added to a values map and, if
22 necessary, an amendment process kicks in, if it is a
23 value that has been identified and should be protected.

24 So if the direction of your questioning
25 is going as to how these values or these species are

1 identified, frankly, the Board has heard enough in
2 terms of how the Ministry does it.

3 MR. HANNA: Thank you, Mr. Chairman.

4 THE CHAIRMAN: You may propose in your
5 case to do it differently, but that's for your own
6 case.

7 MR. HANNA: Thank you, Mr. Chairman.

8 Q. Mr. Multamaki, I would like to go
9 through some of the comments made by the regional
10 review team, and I believe that was supplied to the
11 Ontario Federation of Anglers & Hunters in response to
12 Interrogatory Question No. 3.

13 Mr. Chairman, I think it is probably best
14 to enter that as an exhibit.

15 THE CHAIRMAN: Exhibit 901.

16 MR. HANNA: (handed)

17 THE CHAIRMAN: Thank you.

18 ---EXHIBIT NO. 901: OFAH Interrogatory Question No.
19 3 and answer thereto (Panel 15).

20 THE CHAIRMAN: Mr. Hanna, Mrs. Koven
21 needs two copies.

22 MR. HANNA: Oh, I'm sorry.

23 THE CHAIRMAN: One for the record and one
24 for herself.

25 MR. HANNA: (handed)

1 THE CHAIRMAN: And also the court
2 reporter normally gets one as well, if there is one
3 available.

4 MR. FREIDIN: We usually need at least
5 three for the panel.

6 THE CHAIRMAN: Sorry?

7 MR. FREIDIN: We usually need about three
8 for the panel.

9 THE CHAIRMAN: And you need three for
10 your panel.

11 DR. QUINNEY: We usually make at least a
12 dozen. It looks like a dozen is not enough.

13 THE CHAIRMAN: Have you distributed
14 everything you have got at this point?

15 DR. QUINNEY: No, we have an extra one.
16 Where would you like it to go, Mr. Chairman?

17 THE CHAIRMAN: Well, the reporter can get
18 one later.

19 THE REPORTER: I have one.

20 THE CHAIRMAN: Oh, you have one already.

21 Anybody else on the panel need one? Have
22 you got the three for the panel?

23 MR. FREIDIN: Maybe give one to Mr.
24 McNicol. I assume that some of your questions may
25 relate to wildlife.

1 MR. HANNA: Q. Mr. Multamaki, can we
2 turn to page 7, please. I'm looking at the comment
3 made by Mr. Mettam on section 4.9.3 of the plan, and
4 particularly the last two sentences which indicate
5 that:

6 "The IRM objective is met through the
7 comprehensive planning process for
8 operations and roads in AOCs. This needs
9 to be properly presented."

10 Do you see that? Now, I don't know what
11 was in the draft plan, but I would like to know what
12 changes were made to the draft to incorporate those
13 comments?

14 MR. MULTAMAKI: A. If I could have a
15 second just to review this section. Yes, I think what
16 you are referring to actually takes place on page 39
17 under section 4.9.3.4 and you see areas of concern.

18 If you notice in the review, the exhibit
19 that you have handed us, the second sentence states
20 that:

21 "We should clearly define an area of
22 concern and indicate how decisions will
23 be made to address these AOCs. For
24 example, the management guidelines will
25 be..." used by planning team members --

1 or:

2 "...caused by the planning team to
3 address AOCs..." and so on.

4 In fact, as I remember it, section
5 4.9.3.4 addresses this required alteration and you
6 notice that it does, in fact, define an area of concern
7 and indicates how it addresses the IRM objective.

8 Q. Mr. Bisschop, is it your view that
9 the IRM objective is met through the comprehensive
10 planning process for AOCs?

11 MR. BISSCHOP: A. In part. It is also
12 met through public consultation provisions, through the
13 participation of the multi-disciplinary planning team.

14 I think in the Red Lake Plan those three
15 strategies, if you will, or components of the strategy
16 to meeting the IRM objective are stated. As well, the
17 use of the guidelines which, I would suggest, fall into
18 the area of concern planning process.

19 MR. MULTAMAKI: A. Perhaps I can help
20 you out with respect to how this section was set out.
21 If you look at section 4.9.3 on page 37 it, in fact, is
22 the integrated resource management strategy. That's
23 where it begins and, in fact, there are four
24 components, all of them prefaced with the numbers
25 4.9.3, which is the IRM strategy section.

1 No. 1 would be the use of guidelines; on
2 page 38, 4.9.3.2 is public participation; the third
3 component would be planning team at the bottom, the use
4 of planning team, the planning team concept; and on
5 page 39, the fourth would be the area of concern
6 planning process, and those are the four sub-components
7 under that strategy.

8 Q. Thank you. Could we turn then to
9 page 13 and the last comment there that was made by Mr.
10 Mettam. Can you tell me what changes were made to
11 Table 4.12 as a result of this comment?

12 A. Certainly. The table that you see in
13 the Red Lake Crown Plan, in fact, is the table as it
14 exists right now in the Timber Management Planning
15 Manual.

16 The manual that the Red Lake Crown Plan
17 was written under, in fact, had the old style Table
18 4.12. At that time there was a blue page that was
19 either about to come out or had just come out and we
20 incorporated the new format for Table 4.12 into this
21 plan.

22 Q. Thank you. The last part of that
23 comment suggests that during the preparation of the
24 plan that the likelihood of it to be presented before
25 this hearing was understood.

1 MR. FREIDIN: We addressed that I think.

2 MR. KENNEDY: If I could comment on that.

3 At the time of the preparation of all of the plans in
4 northwest region there was a suggestion that any one of
5 the plans could be used as a sample before the hearing
6 and I believe that possibility was made known to all
7 other planning teams as well, and this comment is
8 simply reflecting that fact, that those plans prepared
9 during the first round of planning under the new
10 manual, when the hearing schedule was more immediate,
11 were potential examples.

12 MR. HANNA: Q. Mr. Multamaki, one last
13 question on this. Can we turn to page 14, and the last
14 comment there at the bottom of the page made by Mr.
15 Ward. It seems that he had some problems with how
16 decisions were made for the timber management planning
17 team like other people.

18 MR. FREIDIN: Let's not editorialize as
19 to whether Mr. Ward had concerns. Maybe you can put
20 the question to him.

21 MR. HANNA: Q. Tell me what modifications
22 were made to the timber management plan to overcome the
23 difficulty Mr. Ward had with this section?

24 MR. FREIDIN: Where is the suggestion--

25 THE CHAIRMAN: Does it indicate --

1 MR. FREIDIN: --that there is a concern?

2 I am sorry, Mr. Chairman.

3 THE CHAIRMAN: I was going to say, is it
4 indicated that he had a problem in the first place as
5 opposed to he wants a factual piece of information
6 which is: Who was involved in forming consensus
7 regarding road access controls, if in fact a consensus
8 even has to be reached, and then he suggests as a
9 possible answer to that, the planning committee with a
10 question mark and wants a response.

11 MR. FREIDIN: My point exactly. There is
12 no suggestion that he is requiring an alteration of any
13 sort.

14 THE CHAIRMAN: What is the answer to his
15 question?

16 MR. MULTAMAKI: Oh, it's fairly
17 straightforward. If you look at page 73 of the Red
18 Lake Plan, Point No. 2 in fact is area of concern No. 5
19 and it seems to me that Mr. Ward is asking what the
20 consensus of opinion was on closing the secondary road
21 in the Little Vermilion Lake area.

22 Now, we have covered Little Vermilion
23 Lake in both direct and cross, and the consensus of
24 opinion was of both the planning team and it was
25 confirmed by the district manager. So I think he was

1 just asking for more information on why that road was
2 closed.

3 MR. HANNA: Q. Was there any additional
4 information added to the plan in response to that
5 question?

6 MR. MULTAMAKI: A. To the best of my
7 recollection, no, there wasn't because that was
8 addressed in the road access section and I think at the
9 time, as I remember it, I simply pointed Mr. Ward to
10 the road access documentation and the area of concern
11 documentation with respect to closed roads in the
12 Little Vermilion Lake area and, again, this relates to
13 the local knowledge that was used when dealing with the
14 Little Vermilion Lake issue.

15 Mr. Ward, being at the region, perhaps
16 wasn't aware of all of the intricacies of the
17 discussions that took place with respect to that lake.

18 Q. It would be difficult tracing the
19 decisions that had been made?

20 A. I would say not. He asked a simple
21 question, I gave him a straightforward answer and he
22 was happy with it.

23 Q. Can we turn to Exhibit 900, which is
24 Question 21. Now, I believe...

25 THE CHAIRMAN: We are going to watch

1 carefully what your question is on this topic, Mr.
2 Hanna.

3 MR. HANNA: I did read the
4 cross-examination of Ms. Swenarchuk on this subject,
5 Mr. Chairman, so I appreciate the reason for the
6 scrutiny.

7 THE CHAIRMAN: And what we are looking
8 for is something new and different from what we have
9 already heard.

10 MR. HANNA: I will do my very best.

11 Q. This question pertains to the
12 objectives that are set out in section 4.8.3 on -- I
13 believe that's supposed to be page 32 of Exhibit 814.

14 Now, when I looked at the objectives
15 here, and I believe there are seven objectives
16 altogether -- or six, six objectives altogether?

17 MR. MULTAMAKI: A. Seven. The final one
18 being the fuel wood objective.

19 Q. I'm sorry, correct, seven objectives.
20 Each starts with an objective in quotation and then
21 followed with some verbiage after it; correct?

22 A. That's correct, each objective was
23 standardized and, in fact, the objective is in
24 quotations.

25 Q. And then with all of them, except for

1 the objective in 4.8.3 and 4.8.4, there is discussion
2 after that and some interpretation of it, some
3 discussions being more elaborate than others?

4 A. Certainly in a number of cases there
5 are also targets associated with the objective in that
6 discussion.

7 THE CHAIRMAN: We have, as you are aware,
8 Mr. Hanna, discussed what the Ministry means by the
9 word optimized as used in 4.8.3.

10 MR. HANNA: I am doing my very best to
11 tread and not step over that line, Mr. Chairman.

12 Q. Now, Mr. Kennedy, in the
13 cross-examination of Mr. Monzon and Mr. Douglas in
14 Panel 2, questions were raised there regarding -- a
15 number of questions were raised regarding Dr.
16 Baskerville's report and Mr. Williams, in particular,
17 was speaking to Mr. Monzon regarding comments made in
18 Exhibit 16 on page 67 and 68.

19 You might want to just look at that.
20 Exhibit 16 is the Baskerville Audit.

21 MR. FREIDIN: Are there any particular
22 portions?

23 MR. HANNA: No, I think the gist of it is
24 fairly easy to get. It starts at the top of the page,
25 the first full paragraph and --

1 THE CHAIRMAN: Page 67?

2 MR. HANNA: On page 67, Mr. Chairman,
3 yes. I think you can look at 67 and get a pretty good
4 gist of Dr. Baskerville's comments.

5 MR. KENNEDY: Did you say the top of 67,
6 the first full paragraph?

7 MR. HANNA: Yes, I did, Mr. Kennedy.

8 THE CHAIRMAN: Well, we are waiting for
9 the question. What is the question?

10 MR. HANNA: I'm sorry, I was just -- I'm
11 sorry, Mr. Chairman.

12 THE CHAIRMAN: Okay.

13 MR. KENNEDY: I was hoping I would have a
14 chance to read that in.

15 MR. HANNA: Q. Now, Mr. Monzon at that
16 time responded that:

17 "As a result of this criticism of Dr.
18 Baskerville in terms of.."

19 I believe the word he uses is boiler
20 plate:

21 "...that revisions to the Timber
22 Management Planning Manual were made."
23 Is this correct?

24 MR. KENNEDY: A. Yes. I can advise that
25 at the time we were preparing the June, '87 amendments

1 to the Class EA, Exhibit 4, as well as during our
2 contemplation of revisions to the Timber Management
3 Planning Manual, Exhibit 7, we took into account --
4 took some of the criticisms raised by Dr. Baskerville
5 in the area of objectives and we responded in a manner
6 by issuing a blue page revision which we have filed
7 with Exhibit 7 that deals with the subject of
8 objectives and targets, as well as related strategies,
9 problems and issues and we discussed that in our
10 evidence-in-chief.

11 Q. But those changes deal with timber
12 objectives and not non-timber objectives; is that
13 correct?

14 A. No, I believe that's an incorrect
15 statement in that we discuss the integrated resource
16 management objective, as well as the environmental
17 quality objective and, as such, there is, I would
18 suggest, a loose relationship to non-timber objectives.

19 Q. And in your view as a forester, are
20 you suggesting that that blue page change adequately
21 addresses, in your view as a forester, the types of
22 concerns raised on page 67 by Dr. Baskerville?

23 A. I would say it addresses those that
24 are relevant to the kinds of subjects that I expect to
25 see addressed in a timber management plan; yes, I do.

1 Q. Which includes non-timber values?

2 A. No, I don't believe that there is a
3 place to discuss objectives of other non-timber values
4 in a timber management plan.

5 THE CHAIRMAN: No, but certainly with
6 respect to the impacts on non-timber values?

7 MR. KENNEDY: Sorry, Mr. Chairman, could
8 I ask you to repeat the question?

9 THE CHAIRMAN: Well, without a timber
10 management plan dealing with the objectives of other
11 resources, the timber management plan is expected to
12 deal with the impact of the timber management
13 activities on other resources other than timber?

14 Surely that's what we have been hearing
15 for the last 16 or 17 months in terms of the activities
16 that are carried on as part of a timber management plan
17 and how they might impact other values, other
18 resources.

19 MR. KENNEDY: Yes, you are correct in
20 that regard.

21 MR. HANNA: Q. Panel, you will be happy
22 to know that we are finished with the interrogatories.

23 Mr. Bisschop, I presume that you have
24 some knowledge of the controversy concerning timber
25 management planning in the Temagami area?

1 MR. BISSCHOP: A. Yes, I do.

2 Q. And I expect you know that there is a
3 Temagami area working group that was set up by your
4 Ministry?

5 A. Yes, I am aware of that.

6 Q. Now, it is my understanding that in
7 their March, 1988 report they recommended the
8 establishment of a permanent citizens advisory council,
9 and I believe the actual wording was that they were to
10 ensure - the council - to ensure that the recreational,
11 forest, tourism and environmental resources of Temagami
12 were managed in a modeled manner.

13 And I believe your Minister subsequently
14 announced the creation of such a council on July 5th,
15 1988; is that correct?

16 A. That's my recollection of the events.
17 It is some time ago, yes.

18 Q. Would you agree with me that a
19 primary impetus behind the development of this
20 committee and subsequently the council has been to deal
21 with the timber management planning issues associated
22 with this area?

23 A. Unquestionably, yes.

24 Q. Is one of the roles of the advisory
25 council to provide input and monitor environmental

1 assessment conditions?

2 A. I'm sorry, I can't recall the very
3 specifics about the role of the committee. It makes
4 sense that that's a function that they would perform,
5 yes, but I can't say specifically that I recall those
6 sets of words, no.

7 Q. Now, I believe that council has also
8 been assigned to coordinate what is called a
9 comprehensive planning program which consists of
10 reviewing objectives, formulating options and
11 recommending final plans. Are you aware of that?

12 A. I'm aware that they have a role. I'm
13 not sure that I know that it is the coordinating role.

14 Q. To the best of your knowledge, is
15 timber management planning in the Temagami District
16 conducted using the proposed timber management planning
17 process that is being brought before this Board?

18 A. To the best of my knowledge, yes, it
19 is being used.

20 Q. And I believe this has been discussed
21 before, but there is no requirement in the process to
22 have a public advisory or liaison committee as part of
23 the process; is there?

24 A. No. There is no specific requirement
25 for that, no.

1 MR. HANNA: Perhaps, Mr. Chairman, I
2 should introduce -- it's a News Release from the
3 Ministry and some attached papers that go with the
4 Temagami advisory council.

5 THE CHAIRMAN: Well, what does this have
6 to do particularly with the direct evidence put forward
7 by this panel?

8 MR. HANNA: This initiative by the
9 Ministry, my understanding, is an initiative to
10 develop, if you will, a comprehensive planning approach
11 to dealing with timber management and integrating other
12 resource values. And I am going to ask this witness
13 why that is necessary for the Temagami area and not
14 necessary for other parts of the province and why, in
15 his view, this planning process hasn't some of the
16 characteristics that they are using in the Temagami
17 area.

18 THE CHAIRMAN: Okay. You can ask the
19 questions, but we are not going to discuss in detail
20 any other planning process other than what is before
21 us.

22 MR. FREIDIN: I am not sure it is
23 necessary to file the document. He can put the
24 questions to him.

25 THE CHAIRMAN: In other words, we have an

1 application before us, Mr. Hanna, with a planning
2 process. It is fair to ask the witnesses: There is
3 another planning process out there that has been
4 introduced by the Ministry, is there any reason why -
5 if they are even aware of that planning process - that
6 the same one shouldn't be introduced for the one we are
7 dealing with, and you can get their response if they
8 have a response, or you can use that in your own case
9 to call evidence to the effect that that is the
10 planning process that should be adopted.

11 These witnesses did not testify in their
12 direct evidence to what you are now referring.

13 MR. HANNA: Well, Mr. Chairman, I'm
14 not -- I'm sort of reluctant to start trying to cross
15 this bridge at this point, but it does raise a very
16 difficult problem that I am faced in putting in my case
17 when that does come about and; that is, one of the
18 major obstacles - and I think even Dr. Baskerville
19 identifies this in his report - in instituting changes
20 and making improvements in administrative systems, the
21 sort that has been brought before the Board, is that
22 the modifications do not outstrip the capabilities of
23 the people undertaking --

24 THE CHAIRMAN: Do not what, sorry?

25 MR. HANNA: Outstrip, go beyond the

1 capabilities of the administrative structure and the
2 people who are asked to implement it.

3 I am faced with a problem of wanting to
4 get the expert opinion of people who work for the
5 Ministry of Natural Resources in terms of these types
6 of issues.

7 Ideally it would be nice if I could call
8 them as my own witnesses and deal with them that way,
9 unfortunately I don't really think that's available to
10 me, practically speaking and, as a result, for me to
11 get their opinions -- the only way for me to get their
12 opinions on these types of subjects is to ask it
13 through cross-examination.

14 THE CHAIRMAN: Okay. So we have
15 indicated that -- let's handle it this way: File the
16 document - and I don't know whether Mr. Bisschop or any
17 of the other witnesses has seen the document before -
18 and then ask them the question if you wish: Why in
19 their opinion has this not been adopted for the
20 planning process that has been put before us.

21 They have already indicated to you that
22 there is no requirement in the planning process for
23 these citizen committees directly. You might ask them
24 their opinion, in effect, should there be and reference
25 it to this committee that is outlined in this document

1 that you are going to put forward. Beyond that, I
2 don't think we can go any further.

3 MR. HANNA: Thank you, Mr. Chairman.

4 Q. Well, first of all, Mr. Bisschop, the
5 Chairman has raised two very good questions and the
6 first is: Should there be this type of committee set
7 up, in your view?

8 MR. FREIDIN: You are talking about
9 across the board?

10 MR. HANNA: Across the board.

11 MR. BISSCHOP: In my view, and I
12 reiterate the Ministry view, we take the position that
13 public consultation provisions as we have addressed
14 them in the Class EA provide adequate means for
15 involvement and participation by anyone who is
16 interested in being involved in the preparation of a
17 timber management plan.

18 I would say that we deal with variable
19 kinds of conditions across the 100 management units in
20 the province, so therefore, even in the kind of
21 situation that we have in the Temagami area, perhaps
22 the utility of a committee there is appropriate.

23 I wouldn't suggest that the same
24 requirement is necessary, for example, even in the case
25 of the Red Lake Crown Management Unit, which we have

1 spoken to in the direct evidence. It is -- I certainly
2 do not see it as a universal requirement that's
3 necessary.

4 MR. HANNA: Q. You see it as an optional
5 requirement -- or optional element?

6 MR. BISSCHOP: A. I see it as a
7 possibility. I don't see it as something that needs to
8 be formalized. I think we have indicated that the
9 Ministry has used through the districts, for various
10 kinds of issues, different kinds of committees of
11 interested citizens and users, if you will, to assist
12 the Ministry in resource management decision-making. I
13 don't see the necessity for a formal requirement for
14 that kind of advisory committee.

15 Q. What are the conditions in Temagami
16 that make it necessary to have an Order-in-Council to
17 establish it there and not in other timber management
18 planning areas?

19 A. I am certainly not sure that I am the
20 best person who can explain that. It was a government
21 decision giving the range of concerns and issues that
22 had to be addressed in that particular situation, and
23 it was a decision of the government to seek and involve
24 much more active participation of the public.

25 THE CHAIRMAN: Mr. Hanna, we are not

1 going to, I think, in terms of the cross-examination of
2 this panel, get into the Temagami issues in any
3 substance. But you are probably aware that there were
4 different considerations there with respect to the
5 environmental assessment process.

6 MR. HANNA: You are speaking about the
7 Red Squirrel Road?

8 THE CHAIRMAN: Well, in the sense that
9 there was not a hearing mandated with reference to that
10 particular environmental assessment concerning that
11 road. There were a number of court actions, as you are
12 probably aware, that resulted and the government
13 responded in whatever way they responded and I guess
14 one of the responses was this Order-in-Council
15 establishment of a committee.

16 MR. HANNA: Mr. Chairman, it might help
17 if I submit then this exhibit because I think it will
18 clarify that somewhat. (handed)

19 THE CHAIRMAN: Thank you. This will be
20 Exhibit 902.

21 MR. HANNA: Just to clarify for the
22 record, 902 consists of several different components.
23 The first page is taken from some background material
24 that the council has been distributing, the next two
25 pages is similar to that, it deals with a different

1 topic, and the last three pages are a News Release
2 dealing specifically with the Temagami area and the
3 advisory council.

4 ---EXHIBIT NO. 902: Document package containing
5 background information, and News
6 Release re: Temagami area and
 the advisory council.

7 MR. HANNA: Q. Now, Mr. Bisschop, the
8 first page of Exhibit 902 are some issues that the
9 advisory council currently has on its agenda to deal
10 with, and I have taken the liberty of asterisking a
11 number of questions that I thought might apply broadly
12 throughout the area of the undertaking and I wish to
13 get your confirmation that you would concur that those
14 issues are not exclusive to Temagami.

15 MR. FREIDIN: And I take it the ones you
16 are referring to are the ones with the little asterisks
17 beside them?

18 MR. HANNA: Correct.

19 THE CHAIRMAN: Well, Mr. Hanna, before we
20 get into that, Mr. Bisschop, many of these are in the
21 form of questions.

22 MR. HANNA: Yes, Mr. Chairman.

23 THE CHAIRMAN: Well, take the first one:

24 "How should forestry and tourism
25 activities be managed to ensure their

1 mutual sustainability?"

2 Well, we have heard how some of those
3 questions are managed within the context of the
4 planning process being put before us.

5 MR. HANNA: Correct, Mr. Chairman. The
6 fact is that there is a planning process, the same
7 planning process currently being applied in the
8 Temagami District, but that has not apparently been
9 adequate to deal with the types of issues that --

10 THE CHAIRMAN: Well, there is no evidence
11 that it is not adequate at all. It has been handled
12 differently perhaps with the advent of this advisory
13 council in the Temagami area and that is a decision
14 presumably of Cabinet.

15 MR. FREIDIN: And these are questions
16 which are being asked, if I can take it, by the
17 Temagami advisory council. It would be my respectful
18 submission that if they avail themselves of the
19 transcripts and the reasons of this Board, eventually
20 they will have the answers.

21 THE CHAIRMAN: Don't forget, Mr. Hanna,
22 there is not an approved timber management planning
23 process in effect yet; it is awaiting the decision of
24 this Board. There is one before the Board--

25 MR. HANNA: I appreciate that.

1 THE CHAIRMAN: --but it is the subject of
2 a whole class environmental assessment which presumably
3 also includes the Temagami area.

4 MR. HANNA: Well, I think as the Board
5 has already indicated, and is concerned and quite
6 rightly concerned, timber management planning is still
7 proceeding in the province without the benefit of your
8 decision and --

9 THE CHAIRMAN: Well, it is proceeding
10 pursuant to an exemption order.

11 MR. FREIDIN: And in accordance with the
12 planning process explained by this Board -- I mean, by
13 this panel.

14 THE CHAIRMAN: Well, that's right.

15 MR. FREIDIN: Although not sanctioned
16 perhaps under the Crown Timber Act by reason of the use
17 of the manual, but not --

18 THE CHAIRMAN: I didn't mean to say that
19 there is no timber management planning done in the
20 province. What I mean to say is, is that what is going
21 on in the province is being conducted in the fashion
22 which is allowed pursuant to an exemption order pending
23 the approval or other disposition by this Board of this
24 class environmental assessment.

25 MR. HANNA: Mr. Chairman --

1 THE CHAIRMAN: Mr. Freidin, it is the
2 Board's understanding - perhaps you can clarify this -
3 that the decision of this Board relative to the class
4 environmental assessment planning process before us
5 will also apply to the Temagami region?

6 MR. FREIDIN: Yes.

7 THE CHAIRMAN: It is within the area of
8 the undertaking, as I understand it.

9 MR. FREIDIN: The order of this Board and
10 all the terms and conditions which go along with it
11 will apply to all forest management units in the
12 province and include the one right...

13 MR. COSMAN: Mr. Chairman, as counsel in
14 both the Divisional Court and Court of Appeal in the
15 Temagami case as one of the counsel, I advised the
16 court of that very fact.

17 THE CHAIRMAN: Right.

18 MR. HANNA: I'm sorry, Mr. Cosman, you
19 advised...

20 MR. COSMAN: I advised the court that the
21 class environmental assessment, if and when and as
22 approved by this Board, would apply in the Temagami
23 area.

24 MR. HANNA: Okay.

25 THE CHAIRMAN: And whatever happened in

1 court or otherwise up to this point, particularly with
2 the issue regarding the road, that particular road was
3 not -- was exempted in effect from a hearing in terms
4 of the environmental assessment conducted with respect
5 to that road. Is that my proper understanding?

6 MR. COSMAN: (nodding affirmatively)

7 MR. FREIDIN: There was an individual
8 environmental assessment for the road.

9 THE CHAIRMAN: That's right, which did
10 not go to a hearing.

11 MR. FREIDIN: Correct.

12 THE CHAIRMAN: The government sought
13 advice and decided, in their ultimate wisdom, to exempt
14 it from a hearing. That was challenged in court, I
15 believe --

16 MR. COSMAN: Yes, that was the decision
17 of the Minister of the Environment himself.

18 THE CHAIRMAN: That's right. And the
19 court sustained the Minister's decision to exempt it
20 from a hearing; is that correct?

21 MR. COSMAN: Yes.

22 MR. HANNA: Q. Mr. Bisschop, we have
23 heard considerable discussion about the fact that
24 comprehensive planning is practised within areas of
25 concern; correct?

1 MR. BISSCHOP: A. Comprehensive planning
2 to determine what timber management activities could
3 take place and how, yes.

4 Q. Now, if you would turn to the first
5 page of the Fact Sheet which is I believe the third --
6 fourth page of the Exhibit 902, it indicates that
7 comprehensive planning in this case is being done on a
8 much broader base.

9 THE CHAIRMAN: Where are you referring
10 specifically?

11 MR. HANNA: There is a heading
12 Comprehensive Planning explains --

13 MR. COSMAN: First page of the Fact
14 Sheet.

15 THE CHAIRMAN: Okay.

16 MR. HANNA: Q. And they indicate that
17 one of the reasons they are adopting this approach --
18 that the Ministry is adopting this approach, it will
19 allow resource management decisions to be made more
20 easily in an integrated fashion.

21 Now, again, I'm confused as to why to
22 practice IRM in Temagami you need to do comprehensive
23 planning, and yet within the timber management planning
24 process it is only necessary within areas of concern.

25 MR. FREIDIN: That's your interpretation,

1 Mr. Hanna.

2 MR. BISSCHOP: As I understand it, in the
3 Temagami situation, because of the host of issues that
4 are encountered there, the government has made a
5 decision to do what is called comprehensive planning
6 here which I would describe as being comprehensive
7 planning of all resource management programs together,
8 versus what we use in the Timber EA, when we say
9 comprehensive planning, we really mean detailed
10 planning of timber management activities, and I think
11 there is a difference.

12 And, again, because of the issues that
13 are encountered in the Temagami area, in effect what's
14 happening is that the timber management planning
15 component of MNR's resource management planning is
16 being addressed concurrently with planning for the
17 other programs as well. That's how I understand this
18 comprehensive planning initiative.

19 MR. HANNA: Q. And that at least in this
20 particular example you couldn't plan timber management
21 in isolation from the other resource features, you had
22 to do it comprehensively?

23 MR. BISSCHOP: A. That's what the
24 government has decided.

25 Q. And they indicate --

1 THE CHAIRMAN: Just a moment. You are
2 indicating that's what the government has decided. Do
3 you believe that you can do appropriate planning even
4 in the Temagami area without doing it simultaneously
5 with all the other programs?

6 MR. BISSCHOP: Personally, yes.

7 MR. HANNA: Q. So the statement here
8 that this is model management of resources, you would
9 disagree that this is model management from your point
10 of view?

11 MR. BISSCHOP: A. I must confess to not
12 understanding well what model management is meant to
13 mean. I don't -- I can't disagree with -- I can't
14 disagree -- in terms of the question you posed to me, I
15 can't disagree that this is model management. I
16 frankly don't know enough about the situation to have
17 an opinion on that.

18 Q. The second two -- pages 2 and 3 of
19 the Exhibit 902 describe the data acquisition program.
20 Would you agree that many of those data acquisition
21 projects pertain to timber management concerns?

22 A. I'm sorry, this is the first time I
23 have ever seen this material. I don't know enough
24 about it to make a comment at this point.

25 THE CHAIRMAN: Mr. Hanna, I am suggesting

1 we take a break, allow the witnesses to review this
2 particular exhibit and continue with your questions
3 after the break.

4 MR. HANNA: Thank you, Mr. Chairman.

5 THE CHAIRMAN: 20 minutes.

6 ---Recess taken at 3:30 p.m.

7 ---On resuming at 4:00 p.m.

8 THE CHAIRMAN: Thank you. Be seated,
9 please.

10 MR. BISSCHOP: Mr. Chairman, before we
11 proceed, I would like to return to something that may
12 have arisen in a cross-examination question that I
13 answered.

14 I indicated that my understanding was
15 that the timber management plan that is being produced
16 within the context of the comprehensive planning in the
17 Temagami area will be done in accordance with the
18 planning process that is before this Board, that is my
19 understanding.

20 I wanted to make it clear, because there
21 may have been some misunderstanding, that the issues in
22 Temagami arose during the application of this very
23 process in Temagami some years ago; and that is not the
24 situation, the issues arose before this planning
25 process was ever produced in the TPM and the Class EA.

1 THE CHAIRMAN: In any event, Mr. Hanna,
2 let's finish off with this Exhibit 902. Let's address
3 your questions to this particular exhibit.

4 MR. HANNA: Yes, I have a couple of
5 questions.

6 Q. Mr. Bisschop, before the break I
7 asked you if the types of questions shown on page 1 in
8 Exhibit 902 are such that they would likely be present
9 in many other forest management units in the province.
10 Are you able to agree or disagree with that at the
11 present time?

12 MR. BISSCHOP: A. There is no question
13 that those are the kinds of questions that are out
14 there in any district in the province.

15 Whether they are the kinds of questions
16 that are there in terms of timber management planning
17 for forest management units and, therefore, it can be
18 addressed in timber management plans is, in my view,
19 another question.

20 Q. Well, let's deal with that other
21 question. The reason I asterisked the ones was because
22 I felt those were ones that might be dealt with through
23 the timber management plan. If there are ones that you
24 feel aren't part of timber management plans, I would
25 like to know that.

1 A. My very brief review during the break
2 on that question was that I don't believe item No. 6 is
3 something that we could address in a timber management
4 plan.

5 Q. The road accessibility issue in terms
6 of lakes?

7 A. The recreational use of lakes and
8 waterbodies, No. 6.

9 Q. Right. And shouldn't be made road
10 accessible?

11 A. Again, we wouldn't address that
12 question in a timber management plan. We are dealing
13 with roads for timber management purposes, not for the
14 purposes of recreational use of waterbodies. That is
15 my point.

16 Q. And that is not a consideration in
17 deciding on access roads?

18 THE CHAIRMAN: Hold on, Mr. Hanna.
19 Listen to his answer, that is not what he said.
20 Obviously there is a consideration when planning a
21 forest access road as to its impact on other resources,
22 we have heard lots of evidence about that.

23 MR. HANNA: Q. Do you have anything
24 else, Mr. Bisschop?

25 MR. BISSCHOP: A. There are a number I

1 think that in part are addressed through timber
2 management planning and on those I would suggest 7, 11,
3 17 perhaps. No. 20 I don't believe is something we
4 address in timber management planning in terms of
5 producing management prescriptions that particularly
6 deal with the features encountered in those sites.

7 We would look at those sites in terms of
8 whether or not we can carry out timber management
9 practices and, if so, how, but we certainly wouldn't be
10 addressing management practices specifically for the
11 management of the resources that are there.

12 So I guess my point is that they are
13 not -- I don't believe that they are all the kinds of
14 questions that we can or do address within the context
15 of timber management planning.

16 Again, No. 14 is an example of one that
17 we wouldn't.

18 Q. Yes, but that is not asterisked.

19 A. That's right.

20 Q. Can we turn to the data acquisition
21 projects then, please. Now, my understanding is that,
22 and perhaps we can just go through study 1, 2, 3, 4, 8,
23 9, 12, 13 and 14 and the tentative studies 1 and 2
24 might all fall within the type of information that
25 would be applied in the timber management plan?

1 A. Yes. And, in my view, they reflect
2 the normal kind of information gathering exercises that
3 we would undertake as part of the normal function of
4 what the Ministry does and the information is used in
5 timber management planning, yes.

6 There are some elements of this that are
7 focusing specifically on data requirements in specific
8 geographical areas, for example, some of the lake
9 surveys and creel surveys. The item No. 3, the bird
10 population study I think is an additional initiative in
11 this particular case.

12 Item No. 4 deals with application of what
13 I would refer to as some of the technological
14 advancements that are occurring but, by and large, much
15 of this is adding some specifics, in this case, to
16 normal information gathering activities that the
17 Ministry does and normal background information that is
18 assembled for use in timber management planning.

19 Q. Just so I understand, you are saying
20 that this is more or less what you would find in any
21 district in terms of the type of data acquisition
22 projects the Ministry has ongoing on a regular basis?

23 A. I believe that's correct. I think
24 that was dealt with in detail in Panel 7.

25 Q. And just one last point then. On

1 page 2 of the News Release, which is I believe page
2 4 -- page 5 of Exhibit 902, the fifth bullet on the
3 page indicates that:

4 "Interim timber management plans are
5 being prepared."

6 And I understand the purpose of that is
7 because they want to have the timber management plans
8 prepared concurrently with the other resource
9 management plans?

10 A. I believe the main purpose of the
11 interim plans is that the current plan under which
12 operations are occurring expires, I believe - I am not
13 sure of the date - but I believe it's on March 31st,
14 1990.

15 In order to enable the comprehensive
16 planning to occur over what would be, I think, a
17 substantial period of time - two to three years - there
18 had to be plans in place that would allow operations to
19 proceed during that comprehensive planning, and that is
20 what is referred to by the interim timber management
21 plans.

22 And I expect, if my March 31st, 1990 date
23 is correct, that those interim plans will have a
24 two-year duration to allow operations to proceed.

25 Q. Mr. Bisschop, I would like to move on

1 to another subject, if we may; and that is one that has
2 been discussed on several occasions before, and that is
3 the matter of traceability. And I would like to
4 discuss it as far as the proposed timber management
5 planning process goes.

6 THE CHAIRMAN: Mr. Hanna, when you are
7 going to deal with this issue, you have dealt with this
8 issue in several other panels--

9 MR. HANNA: Yes, Mr. Chairman.

10 THE CHAIRMAN: --to some extent or
11 another, the only way we are going to permit you to
12 continue with that topic is to tell us something new,
13 to deal with an area of it that you have not already
14 covered and, in fact, that topic has been covered not
15 only by you in terms of several other panels but by
16 other counsel in terms of their cross-examinations of
17 other panels.

18 Now, you make sure that your questions
19 are specific and they are not repeating areas which
20 have been previously covered. We are not going to hear
21 about traceability at length in terms of this panel
22 unless your cross-examination will reveal new
23 information that we have not already dealt with.

24 MR. HANNA: Mr. Chairman, it's my
25 understanding that Mr. Bisschop is the first witness to

1 come before the Board to date who has been qualified as
2 an environmental planner and, as a result, this is my
3 first opportunity to ask questions to an environmental
4 planner on what I suggest is an essential environmental
5 planning matter, and I don't at this time feel that the
6 questions that I am asking will overlap.

7 THE CHAIRMAN: Well, we have no idea what
8 questions you are asking obviously at this point, but
9 when you ask them we will have an idea and we will then
10 let you know whether we are going to entertain the
11 answers.

12 MR. HANNA: Fine, Mr. Chairman.

13 Q. Well, as the Chairman has indicated,
14 Mr. Bisschop, the term traceability has been used
15 throughout the hearing and I expect you are familiar
16 with it?

17 MR. BISSCHOP: A. Yes.

18 Q. I want to get your understanding of
19 what is meant by traceability. Is it your view that by
20 documenting decisions made at meetings in the files so
21 that people can come in and see this decision was made
22 here and that decision was made there, is that, in your
23 view, traceability?

24 A. I think that is a part of it. When I
25 think about traceability I would be -- in terms of

1 documentation, I would want to see documentation of
2 information that was used in decision-making, by that I
3 mean everything from resource inventory information
4 through to contributions from participants in planning,
5 how that information was used in arriving at a decision
6 and documented so that anyone could clearly look at the
7 same information and come to an understanding of how
8 that decision was made.

9 Q. That is my interpretation also. And
10 that requires that the decisions be laid out in quite
11 explicit terms so that that understanding can be
12 reached?

13 A. Clear and explicit terms, yes.

14 Q. Right. Now, in terms of particularly
15 complex decisions, for the decision process to be
16 traceable, is it your view that this often can be
17 greatly assisted through the use of quantitative
18 expressions of the decision process?

19 A. I am not sure what you mean by your
20 question. It's my view that, where it's appropriate,
21 quantitative information is information that should be
22 considered in decision-making, should be documented and
23 should be traceable, yes.

24 Q. Have you experience in developing
25 quantitative decision processes?

1 A. In my experience at Ontario Hydro we
2 did a substantial amount of quantification, if you
3 will, of transmission facility planning.

4 Q. Do you see an advantage in making the
5 decision process traceable in that the public
6 consultation process often can be more efficiently and
7 effectively undertaken?

8 A. In the sense that clear, explicit
9 documentation allows anyone who is interested in
10 participating in planning to be able to effectively --
11 efficiently and effectively see the information and
12 track how a decision was made, yes.

13 Q. And to identify areas where they
14 don't agree and not spend a lot of time discussing
15 areas where they do agree?

16 A. That's right, to focus on: How has
17 the decision been made, what information has been used,
18 do I understand that decision, do I concur, and if I
19 don't concur, then I can address my efforts further,
20 yes.

21 THE CHAIRMAN: Your last statement, Mr.
22 Hanna, is almost a prescription for what the Board
23 would like to see happen in this hearing.

24 MR. HANNA: Thank you, Mr. Chairman.

25 Q. Now, again as an environmental

1 planner, do you see some advantage in laying out the
2 decision process in an explicit and traceable way that
3 it provides some precedent value in terms of making
4 future decisions; in other words, it says: Here's how
5 we made the decision last time, here's how we did those
6 tradeoffs and, therefore, it assists us in making
7 future decisions more efficient?

8 MR. BISSCHOP: A. I am not sure I
9 understand your question. In terms of laying out a
10 process that is clear and concise and then applying
11 that process with the attendant documentation so that
12 decisions are traceable, I would like to see that
13 happen, and if -- and replication of that same kind of
14 approach happen, if that's how I understand your
15 question.

16 Q. Yes. Let me take a specific example,
17 the MAD calculation. I mean, you have to go through
18 this sort of a hearing once to hammer out that MAD is
19 going to be the way as a society we are going to
20 allocate our wood resources, but once we have done
21 that, established some sort of precedent, we can rely
22 on it and say: Well, look, we have been through that
23 once, we don't have to go through it again.

24 MR. FLEET: A. Mr. Hanna, the Timber
25 Management Planning Manual suggests that you can use

1 any methodology you like to calculate MAD so long as
2 you can justify calculate that, and I don't think it is
3 a decision or a presentation of the Ministry that we
4 are going to have one method to calculate MAD in
5 Ontario.

6 Q. I don't think that was my intent of
7 the question, Mr. Fleet. I appreciate your
8 clarification. It was more a matter that, if you are
9 going to use that again, you have got some acceptance
10 in the past, notwithstanding you might come forward
11 with some other methodology that you feel is more
12 appropriate.

13 MR. BISSCHOP: A. And, Mr. Hanna, if I
14 understand your question, I would suggest that in
15 effect is what we are doing here, we are laying out the
16 process, we are laying out documentation requirements
17 that accompany that process so the Board will be making
18 a decision on that that, in turn, would be applied in
19 the future. That is how I see it.

20 Q. That is how I interpret the
21 Chairman's comments also. I certainly appreciate that.
22 I think by the same token we have heard repeatedly the
23 problem, we've got site-specific issues and whatever
24 and some of those site-specific issues will be
25 recurrent and, therefore, we may develop some advantage

1 in that respect also; would you not agree?

2 A. Yes, that is possible.

3 Q. Now, another issue that we have heard
4 at the hearing is this question of adaptive management.
5 I'm sure you have run across that term at some point or
6 another through your experiences here.

7 A. Yes. It's something I certainly
8 recognize from Baskerville, it's something that we've
9 address in our Class EA through the discussion of
10 monitoring which you will hear more of in Panel 16, but
11 I am familiar with the term, yes.

12 Q. And the emphasis that he puts on the
13 need for explicit cause/effect relationships and
14 whatever is really another way of saying making things
15 traceable in a sense; is it not?

16 A. That's right, yes.

17 Q. And one of the advantages of that is
18 that you can learn by past mistakes. I think this is
19 what is going to happen, it doesn't happen, we've laid
20 out explicitly what we thought was going to happen and
21 we can test that?

22 A. That's right. We make impact
23 predictions, we follow up and if we made mistakes in
24 prescriptions, we can adapt and not make the same
25 mistake again the next time.

1 THE CHAIRMAN: Where are we going, Mr.
2 Hanna?

3 MR. HANNA: Well, I am going to deal with
4 these general principles, Mr. Chairman, as they deal
5 specifically with the timber management planning
6 process that is coming forward that has been the
7 evidence of this panel. I wanted to make sure that we
8 were both talking in the same terms before I took it
9 further.

10 MR. HANNA: Q. Now, I understand that
11 you faced this same issue in terms of traceability with
12 the Southwestern Transmission Environmental Assessment
13 when you were involved with Ontario Hydro; is that
14 correct?

15 MR. BISSCHOP: A. Yes, that's correct.

16 Q. And one last, perhaps, benefit of
17 traceability I would like to get your review on, would
18 you agree that an advantage is it allows proponents to
19 deal with difficult tradeoff decisions in resource
20 management in an efficient way by systematizing the
21 decision process?

22 A. By your reference to the word
23 systematizing, if you mean have a process with
24 attendant documentation requirements, apply that
25 process and produce some necessary documentation

1 consistently, yes.

2 Q. Now, in terms of the timber
3 management planning process and the issue of
4 traceability, one of the issues that we have all faced,
5 and that is the paper war, the amount of material that
6 feeds into the whole planning process. I think you are
7 aware of that?

8 A. I would say not only the amount of
9 material that feeds into it, but the amount of material
10 that is fed out of it through the various volumes in a
11 plan, yes.

12 Q. Now --

13 THE CHAIRMAN: Some of which indicates
14 the need for more landfills or incinerators, I would
15 suggest.

16 MR. HANNA: Or recycling, Mr. Chairman,
17 please.

18 THE CHAIRMAN: Or recycling.

19 MR. HANNA: Q. Now, the reason I have
20 gone through these questions on traceability as far as
21 the timber management planning process is, was one of
22 the concerns that my client has is the ability to, if
23 you will, understand how decisions are made; and the
24 concern goes further, in that one of the difficulties
25 that the public is faced with in coming up against

1 planning team members --

2 MR. FREIDIN: Are you making a statement
3 or are you going to ask a question?

4 MR. HANNA: I am going to ask him this
5 question.

6 Q. I will even start with the question:
7 Would you agree that it is difficult for members of the
8 public to have available to them the same amount of
9 information that the members of the study team --
10 planning team have available to them?

11 THE CHAIRMAN: Well, Mr. Hanna, I think
12 the answer to that question is self-evident.

13 MR. HANNA: Q. I believe, Mr. Bisschop,
14 this issue has been raised in interrogatories by
15 ourselves and the Ministry of the Environment as it
16 deals specifically even with the plan itself and the
17 maps that are associated with the plan, that members of
18 the public have access getting -- have difficulty
19 getting access to those maps.

20 You're aware of that problem?

21 MR. BISSCHOP: A. There is a difficulty
22 in members of the public getting copies of maps, yes.
23 But in terms of access, the difficulty that is
24 attendant with going to the district office or an
25 information centre is there, yes.

1 I think your point is probably more
2 specifically related to: Are reproduceable copies of
3 those maps available to you, and there is no question
4 that that is a difficulty.

5 THE CHAIRMAN: Mr. Hanna, this is a
6 problem that I guess, speaking for myself on the Board,
7 has been a continuing problem with the issue of
8 traceability; and, that is, on the one hand there
9 appears to be a desire by some of the parties before
10 this Board to be able to trace each and every decision,
11 all of the data going in to a particular decision, all
12 of the methodology that is utilized in formulating that
13 decision and somehow documenting it, so that somebody
14 walking in could start at the top and work their way to
15 the bottom and then at the bottom is the decision or
16 vice versa.

17 On the other hand, there are parties
18 before the Board who are expressing some dismay at
19 being able to wade through the volume of documentation
20 that appears to be attendant with some of the plans.
21 With the Red Lake Plan we were looking at seven
22 volumes, notwithstanding that the plan was divided off
23 into the plan portion and then all the supplementary
24 documentation and then all the files which correlate
25 further documentation.

1 What does the public want - I am not
2 asking you specifically - but you can't have it, at
3 least to my mind, both ways.

4 You can't have everything documented to
5 the nth degree, relying in effect not upon the
6 expertise of members of planning teams or other experts
7 employed in arriving at some of these decisions -
8 obviously that expertise also encompassing their
9 experience in the field - on the one hand; and, on the
10 other, requiring that every move that is made is
11 somehow documented and then expecting the public - and
12 we are talking supposedly the uninformed public,
13 meaning the non-expert public - being able to go into a
14 regional office, district office or wherever and be
15 able to trace through everything without having to wade
16 through two tractor trailer truckloads full of paper.

17 Now, which way is it going to be, because
18 I don't think the two are necessarily 100 per cent
19 compatible, the two positions; either it's traceable in
20 a reasonable manner so that it's understandable by the
21 public and manageable by the public if they should so
22 choose to trace back a decision, or every jot and
23 tittle, so to speak, is there, and that would probably
24 require anyone who was interested the better part of a
25 month to wade through it in the first place.

1 And that is the difficulty, because it
2 appears to the Board that, on the one hand, parties are
3 calling for more and more explicit documentation and,
4 on the other hand, they are calling for a process that
5 is understandable and traceable by the public.

6 And speaking again for myself, and
7 perhaps my colleagues, which way do we go?

8 MR. HANNA: Mr. Chairman, I think we are
9 all on that horns of the dilemma and my suggestion is, I
10 had every intention of coming forward to the Board in
11 our case with some very specific recommendations to
12 you.

13 It's a matter here of trying simply to
14 explore the views of these witnesses as to: Is there
15 anything -- is there any ideas that they have that deal
16 with this problem.

17 THE CHAIRMAN: Well, as my colleague is
18 pointing out, we have a process before us, that process
19 calls for documentation in the manner in which it has
20 been presented to us. That is what we are looking at.

21 Now, the other parties may, as you say,
22 come forward in their own case with alternatives to the
23 process that is before us and you may, for instance in
24 your case, indicate that you want everything written
25 down to the nth degree; others may come forward and

1 say: We find even the documentation attendant with the
2 Ministry's process that is before us is too complex,
3 too complicated and more should be left up to the
4 individual discretion of the experts employed.

5 There may be a wide divergence of opinion
6 between those two polls.

7 MR. MARTEL: The question I can't
8 understand is, why you worry about their views. They
9 must represent the view of the Ministry or they
10 wouldn't be there, and their own personal views aren't
11 much relevant for this Board to decide on, but what the
12 plan is that the Ministry is putting before us, and we
13 just go on and on.

14 We keep hearing about their views. I
15 mean, the views that they have to express here are
16 going to be the Ministry's views. Their own personal
17 views aren't going to override the plan that is put
18 before us or they wouldn't be here.

19 MR. HANNA: Well, I would hope that isn't
20 the case, Mr. Martel, it may well be that practically
21 that may well be the case.

22 MR. MARTEL: I'm sure that in any walk of
23 life no one agrees with every tittle or every dot of
24 every 'i" that exists by your employer. I mean, you
25 are going to do what your employer wants. You might

1 differ occasionally, but you are still going to -- your
2 own personal views might be somewhat different, but if
3 you want to be around and do that job you are going to
4 do the job the way somebody has prescribed it.

5 MR. HANNA: Perhaps the reason, Mr.
6 Martel, I am asking these questions - and I certainly
7 appreciate very much what you are saying - is that this
8 particular witness has worked for agencies other than
9 the Ministry of Natural Resources and my next line of
10 questioning will actually be dealing with the views
11 that he advanced while an employee for another
12 corporation and how they mesh with what the views are
13 he's bringing forward at this time.

14 So that is really where it's leading to
15 in that respect.

16 MR. MARTEL: He might express a view
17 that's different from what he did then but, again, he
18 was working for a different employer.

19 THE CHAIRMAN: I guess the problem, Mr.
20 Hanna, is the Board feels it has an understanding of
21 the process put forward by the Ministry, it has a
22 particular example in the form of the Red Lake Plan
23 that may or may not be totally representative of that
24 process, it feels it understands what is before us.

25 Now, it's for others to bring out in

1 their side of the case whether or not that particular
2 process is acceptable to you through your own
3 witnesses.

4 The purpose of cross-examination would be
5 to clarify and, in some cases, impune the direct
6 testimony, but we are finding some difficulty in
7 ascertaining the probative value of your
8 cross-examination in this area.

9 MR. HANNA: Well, it was more the latter
10 part, Mr. Chairman, impuning what was brought forward
11 and that deals specifically with the -- I had really
12 only two other points that I was going to deal with
13 under this subject, and that was the disadvantage that
14 stakeholders, other than forest industry, are faced
15 with in terms of presenting their views, because the
16 forest industry is sitting on the planning team and has
17 all that information available to them.

18 THE CHAIRMAN: Okay. But ask the witness
19 a question: Do you feel, for instance, that it is
20 necessary for a member of the public to be on the
21 planning team, as an example of a question you might
22 ask in that area, then you will get this witness'
23 answer. I think the Board already has that answer
24 through not only this witness but through others, as to
25 how they feel.

1 You might ask a question in general: Do
2 you feel that any other interest group could have any
3 confidence in any planning process wherein they were
4 not a member of the planning team, and they might give
5 you an answer to that. I mean, there is all kinds of
6 questions you can ask, but bear in mind what is in
7 front of us in terms of the Ministry's case.

8 MR. HANNA: Mr. Chairman, could I just
9 have -- as I am sure you appreciate, I am trying to do
10 my very best here to expedite the matter.

11 THE CHAIRMAN: We understand, but we are
12 also -- you have got to realize that this Board has a
13 duty, as we have expressed recently, to expedite this
14 hearing, and although we want to allow all parties a
15 fair opportunity to both put in their case and
16 cross-examine, we are going to ensure that the
17 cross-examinations are not only relevant but useful.

18 It doesn't do much good to anybody,
19 including the public interest, if the Board views the
20 cross-examinations as not fruitful, because we endure
21 the time spent here while you go through it and we in
22 fact may, if we tried to head you off down the road,
23 not get anything out of it.

24 And if we don't get anything out every
25 it, bear in mind at the end of this process who is

1 going to render a decision.

2 MR. HANNA: Thank you, Mr. Chairman, and
3 quite honestly I just want to make it clear, I wasn't
4 in any way suggesting you weren't being fair with me
5 and I do appreciate the direction you have been giving
6 me. So, in that respect, I am quite thankful for that.

7 THE CHAIRMAN: Do you want a few minutes
8 to reorganize?

9 MR. HANNA: I was just going to say it
10 might just be helpful, because I certainly am very
11 conscious of trying to use the Board's time as
12 effectively as possible and I think --

13 MR. MARTEL: If I could be simple about
14 it - I am not a lawyer either - but I want to know
15 where you differ with them, where you differ with the
16 Minister's plan, so I can make up my mind how I render
17 a decision. That is why I say for you to be concerned
18 about what they think doesn't help me, I want to know
19 about the plan and whether you are putting something
20 forward that is different and why what they have put
21 forward doesn't meet what you want. And that is what I
22 want to hear about.

23 THE CHAIRMAN: And that comment in
24 general goes a fair way toward the Board's discussions
25 of the past couple of days in terms of focusing upon

1 those areas of disagreement and suggestions from the
2 parties in their own case or through their own
3 suggested conditions of approval as to how the process
4 should be amended or altered or provisions inserted or
5 substitutions for existing provisions made or
6 presumably the whole thing chunked out in its entirety.

7 MR. HANNA: Well --

8 THE CHAIRMAN: And that we would find to
9 be the crux of how the parties can be helpful to the
10 Board.

11 Because we have a duty at the end of this
12 case to do something, which presumably is to write a
13 decision, and we may end up at the end of this case
14 with 60 or 70 or a hundred thousand pages of transcript
15 and, quite frankly - I guess again I can speak for my
16 colleagues - you will not get a decision that is 60-
17 or 70,000 pages long.

18 So that at the end of the day we have to
19 condense this mass of evidence into two, three or 400
20 pages into something that reads in a manner that will
21 be of use to anybody, or at least to somebody and,
22 consequently, we want the parties to address their
23 minds to focusing on areas with which they disagree and
24 the manner in which they would like to see that
25 disagreement manifested either by a change, amendment,

1 alteration or a complete repudiation of what is on the
2 table.

3 And I think the frustration the Board has
4 at this point in time - although we haven't finished
5 and reaching the effects monitoring panel stage in its
6 entirety - we think we have a pretty reasonable idea at
7 this point in the proponent's case as to what is on the
8 table, subject of course to the rest of Panel 16 and
9 17.

10 What we don't know at this stage of the
11 game, because we haven't got the conditions of approval
12 from the other parties, exactly what the other parties'
13 positions are and that is why we are hoping when we get
14 to that stage we will have a much better focus on where
15 the parties disagree and where we go from there.

16 But in terms of the cross-examinations,
17 we are going to insist that the parties focus in on the
18 areas where they have a problem and, as much as
19 possible, save the way in which those concerns would be
20 addressed for your own part of the case where you can
21 call evidence and put it forward as to how it should be
22 changed or what else should be inserted into the
23 process that isn't already there.

24 So having said all that, I think we are
25 going to adjourn for, say, ten minutes, give you a

1 chance to reconsider the remainder of your
2 cross-examination, and we will come back and go from
3 there.

4 MR. HANNA: All right. Mr. Chairman,
5 just before you adjourn -- or recess, how long do you
6 plan to sit today? I am just trying to think how far
7 through this I should try and --

8 THE CHAIRMAN: Oh. Well, we are not to
9 sit too much past say 5:15, in and around there.

10 MR. HANNA: Fine.

11 THE CHAIRMAN: It has been a rather long
12 day.

13 MR. HANNA: One other thing I will just
14 mention to the Board. It may not seem that way, but in
15 my view I have made a lot of progress in terms of not
16 having -- the witnesses have been answering questions
17 better than some of the other witnesses I have been
18 faced with in terms of length of responses and --

19 THE CHAIRMAN: Well, I think the Board
20 has taken a new attitude towards that situation as
21 well. We are going to insist from now on - and that is
22 not just with this panel but with everybody's panel -
23 put the questions to the witness in a form in which the
24 witness can understand, if they can't understand it,
25 obviously we will have to clarify the question, but we

1 want the answers confined to the questions asked and as
2 concisely as possible. The days of the rambling
3 replies are over.

4 MR. HANNA: I think there is a lot of
5 happy people to hear that.

6 Mr. Chairman, what I would suggest is
7 that -- as I say, I have found this panel to be not as
8 rambling as some of the ones we have faced in the past
9 and, as a result, I may well be able to expedite this
10 substantially and --

11 THE CHAIRMAN: So would you like to break
12 for the day?

13 MR. HANNA: Given that, I think it may be
14 wise to break for the day, and the way it looks right
15 now I don't think I will take all of Tuesday, and so
16 that - and if I take time now, I think I can make it
17 even more expeditious tomorrow if the Board so desires.

18 THE CHAIRMAN: Okay. That sounds
19 reasonable. We will adjourn for today and commence
20 tomorrow at 8:30.

21 Thank you.

22 ---Whereupon the hearing adjourned at 4:45 p.m., to be
23 reconvened on Thursday, October 19th, 1989,
commencing at 8:30 a.m.

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